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**Negotiating writing: A case study of the transition of English
second-language Social Science graduates to postgraduate
professional disciplines.**

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Acronyms

Academic Development Programme – ADP

Bachelor of Laws – LLB

Department of Education – DOE

Department of Education and Training – DET

Department of Humanities – DOH

English Second language – ESL

English for Specific Purposes – ESP

Graduate School of Humanities – GSH

Higher Education – HE

Human Resources – HR

National Plan for Higher Education – NPHE

New Literacy Studies – NLS

Problem Question Answer – PQA

ABSTRACT

This longitudinal, qualitative case study provides thick description of six English second-language (ESL) students' transition from Social Science disciplines to postgraduate study in the professional disciplines of Law and Marketing at a South African university. The study has two main objectives. Firstly, it aims to understand the ways in which the students perceive the literacy practices they bring to their new disciplines and how these contribute to their challenges with writing and with reconciling past and emerging disciplinary identities. In order to achieve this, the thesis uses post-structuralist theory on language, literacy and identity development to analyse interview data and reflection papers collected over a period of four years. The study's second objective is to explore the ways in which these perceptions manifest in students' writing. It engages in close, critical linguistic analysis of two key genres, the legal problem question answer (PQA) in Law and the written case analysis in Marketing. The students' writing is considered in relation to the feedback they receive from their lecturers/tutors.

The findings point to a significant development in students' agency in comparison to their undergraduate years. In the transition process, the students attempt to make sense of their new disciplines through a process of questioning not only disciplinary epistemologies, but also their lecturers' mediation of knowledge. Nevertheless, the data show how prior literacy practices contribute to unstable understandings of the communicative purposes of the PQA and case analysis. These unstable understandings result in a challenge with realising a central objective of professional disciplines in their argumentation, namely, the practical application of the disciplines' concepts, theories and principles (CTP) to real-world settings. In both disciplines, this can be traced to a broader challenge with reconciling differences in the epistemological groundings of their undergraduate majors and those of their postgraduate disciplines, as well as with the process of coming to terms with the role of tacit knowledge. The data question a number of assumptions made by faculty about the transition to postgraduate study in professional disciplines. They show that these assumptions are largely decontextualised in that they discount the significance of genre and context in determining the extent to which students can successfully draw on the skills they bring. The study concludes with recommendations for the teaching and learning of key genres within professional disciplines.

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Problem Question Answer – PQA

Chapter 1: The postgraduate learning context as a strategic area within higher education in South Africa

1.1 Introduction

This qualitative case study explores the experiences of six, mainly first-generation, English second-language (ESL) graduate students in a period of transition. These students graduated from Social Science disciplines in the Humanities¹ faculty into postgraduate studies within the professional disciplines of Law and Marketing at a South African, relatively elite, historically White, English medium university. All six students graduated from the Humanities in 2004. Two of the students registered for an Honours degree in Criminal Justice, an interdisciplinary programme located within the institution's Graduate School of Humanities. This programme comprises mostly Law courses from the Law faculty's Institute of Criminology. Two students registered for the three-year, postgraduate Bachelor of Laws (LLB) degree, while the last two registered for the postgraduate Marketing diploma within the Commerce faculty's School of Management Studies.

The study follows on from a three-year research project which tracked the nature of the shifts in the literacy practices, language attitudes and constructions of identity of these and fourteen other Social Science students in the course of their undergraduate degree. It draws on data yielded by this project to explore the ways in which these six graduate students negotiate the process of 'disciplinary becoming' (Dressen-Hamouda, 2008:56) in their writing practices and constructions of identity as they make the transition into these professional disciplines.

In considering this process, the term 'strategic' as it appears in the heading of this chapter becomes important on two levels. Firstly, it signals the decision taken by South Africa's Department of Education (DoE) to flag the domain of postgraduate studies as a strategic area requiring attention due to its low graduation rates. This is discussed later on in the chapter (see section 1.4.2). It also signals the 'research-led'

¹ The students were registered for general programmes within the Humanities faculty, with all of their majors leading to the Bachelor of Social Sciences degree.

identity of the institution and the consequent drive to increase research output at this level of study.

The other meaning embedded in the term ‘strategic’ references the ‘choices’ which are available to ESL students from working class backgrounds in the course of their studies at higher education (HE) institutions such as the one in this study, and more importantly, the strategising which accompanies the decisions they have to make within this time. In their illuminating publication, *Degrees of choice: social class, race and gender in higher education*, Reay *et al.* (2005) consider how these descriptors circumscribe the options available to students from various class backgrounds and ethnicities in the United Kingdom in the process of ‘choosing’ which institutions to attend. In describing what this process entails for non-traditional students, they theorise about ‘choice’ and access: “Choice for a majority involve[s] either a process of finding out what you cannot have, what is not open for negotiation and then looking at the few options left, or a process of self-exclusion” (p.85). This quote illustrates how they characterise ‘choice’: as “a social process which is structured and structuring” (p. 160), largely informed by one’s social position and educational background. Adopting this perspective then problematises the notion of choice as it compels one to consider its constrained nature, or as is profoundly expressed by one of the students in their study: “...[having] a choice of one” (p.85).

My study offers insights into the ‘choices’ available to the research participants in their academic careers and how these ‘choices’ play out in their new disciplines. All the research participants were not accepted into their first choice of degree upon entry into the institution or into the single Honours degree of their undergraduate majors after graduating. This meant that they had to make strategic ‘choices’ in attempting to address their respective desires and life situations within and outside of the institution. This study explores the nature of this strategising from a longitudinal perspective, from their undergraduate years to the point of making the transition into the postgraduate domain.

Conducting this enquiry into the students’ transition experiences has necessitated an examination of the nature of the postgraduate space in which this strategising occurs. The Honours degree occupies a tenuous space within the postgraduate

domain. Its official classification as a postgraduate qualification distinguishes it from the undergraduate degree. However, this distinction is mostly an artificial one as the course-work Masters is perceived to represent an entry into the ‘postgraduate proper’, with the general perception in academia being that the Honours degree constitutes the fourth year of undergraduate studies. The artificial nature of this distinction is evident in institutional reporting documents which tend to foreground the Masters and the PhD in their analyses of student performance at the postgraduate level, thus effectively relegating the Honours along with the postgraduate diplomas to the sidelines. Further confirmation of its tenuous position are the different ways in which it is perceived within the qualification routes of the different disciplines. In academic disciplines such as Psychology and Sociology, for example, the competitive entry requirements for Honours set it up as a high-stakes qualification, one which signals a potential progression into Masters. In this context, this effectively serves to reinforce the boundary between Honours and undergraduate studies.

This contrasts with the position of the Honours degree within the qualification route of professional disciplines such as Engineering and Law where it is incorporated into the fourth year of undergraduate studies or is effectively replaced by a postgraduate diploma which leads one into course work Masters. Furthermore, in interdisciplinary Honours degrees such as that of Criminal Justice, the less-competitive entry requirements of “a sound Bachelors degree” (see Graduate School of Humanities/GHS website) make the boundary between undergraduate studies and Honours a porous one.

The underlying implication of the above is that the Honours degree does not fit seamlessly into the neat categories of ‘undergraduate’ or ‘postgraduate’ but could be said to constitute an ambiguous third space². Its ambiguous nature is apparent firstly in how the Criminal Justice Honours, along with the Marketing diploma and the postgraduate LLB, have been explicitly set up to accommodate students from other faculties. The Criminal Justice Honours and the Marketing diploma are geared

² In using this phrase I am aware of the meaning attached to it in the work of post-colonial scholar, Homi Bhabha (1994). He theorizes about a third space in his notion of cultural hybridity; characterizing it as a space which allows for a challenging and renegotiation of established categorizations of culture. While my use of the term incorporates Bhabha’s notion of the third space as a site of negotiation, I also use it to suggest distance; a distance which is created due to a lack of coherence between two contexts.

towards Social Science graduates and non-Commerce graduates respectively, with the postgraduate LLB similarly sourcing its students from the Humanities graduate pool. This indicates the institutions' strategic attempts at facilitating access into postgraduate studies for students who are unable to take the traditional route of the single Honours as a trajectory into Masters or, as in the case of the postgraduate LLB, students who are unable to gain access into Law at the undergraduate level. However, the inclusion of undergraduate courses in the 'postgraduate' curriculum and the consequent coming together of undergraduate and graduate students within both Law and Marketing lectures raise questions around status and identity as this tends to position these graduates as being neither here nor there.

The ambiguity of this third space is also heightened by the interdisciplinary character of the Marketing diploma and the Criminal Justice Honours. While interdisciplinarity as a phenomenon is not at the core of this study's explorations, the data show the ways in which it shapes the students' transition experiences and their negotiation of the different disciplines embedded within this degree and diploma. These factors have thus prompted a redefining of this space within this study, one which foregrounds its ambiguous nature. The data show how this space functions as a middle ground between undergraduate studies and the 'postgraduate proper'. They also allude to its mediative role as it facilitates a dialogue between the forms of knowledge students bring with them from their Social Science disciplines and those valued within the Law and Marketing disciplines and their corresponding professions.

1.2 An appraisal of disciplinary differences in knowledge forms

The professional nature of the disciplines into which the students graduated is largely reflected in the forms of knowledge and knowledge-validation practices or "truth strategies" therein (Donald, 1995:10, see also Luedekke, 2003). In attempting to account for differences in disciplinary practice, Muller (2009) makes the distinction between conceptual and contextual knowledge. He places these forms of knowledge on a continuum to make the important point that: "[although] all disciplinary curricula have elements of both contextual and conceptual coherence; they differ in the mix" (p. 217). Professional disciplines such as Law and Marketing are characterised by a strong leaning towards contextual knowledge which places

emphasis on the application of theory to professional contexts as well as practical experience. As such, the curriculum has a strong contextual coherence. On the other hand, disciplines such as Sociology and Psychology, classified as ‘soft pure’ disciplines (see Becher, 1989), have a strong conceptual coherence where emphasis is on facilitating an understanding and interpretation of disciplinary theory and key concepts.

Understanding the transition from disciplines which prioritise a critical engagement with disciplinary theory to those which have a more practical orientation would therefore entail an exploration of the ways in which student writers attempt to reconcile these differing knowledge forms. This is especially important as the participants prioritised these differences in characterising their struggles with the transition into Law and Marketing. While the research questions broadly sought to explore differences in reading and writing practices, students’ responses focused primarily on the impact of the differences in knowledge forms for their writing and negotiations of their personal and disciplinary identities. In the next section I focus the discussion on ‘genre’ as a locale for the performance of the knowledge forms which are valued within a discipline.

1.3 The significance of genre in the process of ‘disciplinary becoming’

Swales (1990:58) defines genre as “a recognizable communicative event characterised by a set of communicative purpose(s) identified and mutually understood by members of the professional or academic community in which it regularly occurs”. This implies that proficiency in the genres of a discipline is imperative for gaining membership. Weideman (2003: xi) echoes this sentiment in his definition of the functional academic literacy which tertiary students are envisaged to possess. He maintains that, among a range of other skills, they should be able to “interpret different kinds of text type (genre), and have a sensitivity for the meaning they convey, as well as the audience they are aimed at”. The study draws on this assertion in seeking to understand the ways in which the knowledge forms shaping the students’ undergraduate Social Science disciplines impact on the process of acquiring the relevant genre knowledge at the postgraduate level. It thus locates this enquiry at a particular moment in the students’ transition; in their initial encounter with two key

genres within Law and Marketing respectively. These are the written case analysis (also known as the case write-up) in Marketing and the legal problem question answer (PQA) in Law. Both these genres reflect the professional nature of these disciplines through their simulation of key workplace practices. They do this through the use of representative problems that require students to apply theory to real-world contexts (Boyd, 1991:731). I focus on these two genres for two reasons: firstly, because they both are dominant genres within their respective disciplines and are markedly different from the argumentative essays which the students produced in their undergraduate disciplines regarding their communicative purpose. Secondly, their interconnected generic move structure presented a significant challenge for the disciplinary novices in arriving at the conclusion within their argumentation.

The study's main objective is two-fold. Firstly, it aims to understand the ways in which students perceive the reading and writing practices which they bring with them from their undergraduate disciplines to their new disciplines and the extent to which they perceive these as contributing to their struggles in producing the Problem Question Answer and the Marketing case analysis. The second objective is to consider the ways in which these perceptions manifest in their actual writing through a close analysis of their argumentation within the PQAs and the case analysis reports they produced in their postgraduate disciplines. In the next two sections I describe how the academic literacies approach within New Literacy Studies (NLS) assists in realising the study's first objective while the second objective is addressed through drawing on the English for Specific Purposes (ESP) approach to genre analysis.

1.3.1 An academic literacies approach to genre analysis

An academic literacies approach to writing seeks to understand the meanings which student writers attach to their acts of reading and writing as they negotiate different disciplines. This approach, as advocated by NLS theorists such as Gee (2010) and Street (1995), seeks to challenge early definitions of literacy which were largely decontextualised and which tended to focus only on its cognitive aspect. In contrast, an academic literacies approach views literacy as multiple and as situated in the practices constituting particular social contexts. Equally important is its

recognition of language and these literacy practices as inextricably linked to social identity.

Gee (2010:20) explicates this view of literacy in his latest study of new digital media: “People do not just read and write in general, they read and write specific sorts of ‘texts’ in specific ways; these ways are determined by the values and practices of different social and cultural groups”. In viewing literacy in this way, Gee characterises literacy practices as being situated within a specific discourse. In this study, the use of the term ‘discourse’ is best captured by Kress’ (1989:7) definition: “Discourses define, describe and delimit what it is possible to say and not to say with respect to the area of concern. A discourse provides a set of possible statements about a given area, and organises and gives structure to the manner in which a topic, object, process is to be talked about”. In the context of disciplinary enculturation from an academic literacies point of view, a discourse would include the knowledge forms, epistemologies and ways of knowing which are associated with the reading and writing of the discipline’s genres. Taking into account the centrality of identity in NLS, the study aims to explore students’ understandings of their use of discourse, and within this process, their attempts to reconcile embodied Social Science identities with emerging disciplinary and professional identities.

The study is thus a response to the call by NLS researchers for research which seeks to understand what individuals do with literacy in particular settings (see Street, 1995). However, the NLS objective of focusing on the social contexts informing the writing of texts has, according to Lillis & Scott (2007) resulted in a tendency to overlook the text as an important unit of analysis. The study addresses this limitation through extending the exploration of students’ perceptions of their literacy practices to include an analysis of the ways in which these are realised in their actual writing.

1.3.2 Complementing NLS with an ESP approach to genre analysis

As stated above, a second objective of the study is to understand the ways in which students’ perceptions of the struggles emanating from the differences in the literacy practices within their Social Science majors and those of their postgraduate disciplines manifest in their argumentation within the genres in question. Guided by

the English for Specific Purposes (ESP) approach to genre analysis, the study conducts a systematic analysis of their use of discourse. The ESP approach focuses on the rhetorical organisation of genres, that is, the moves constituting a genre, where each move is seen to have a distinct communicative purpose (see Swales, 1990; Hyland, 2004a) as well as “the language features undergirding a particular move” (Swales & Feak, 2000:35).

Based on the above, I firstly consider their use of discourse at the level of the move structure constituting the PQA and the written case analysis through a deployment of Toulmin’s (1958) model of argumentation. I then explore their use of discourse at the level of lexico-grammar within which I conduct a close analysis of their use of the language through which these moves are realised. Lillis and Scott’s critique (2007:13) of the ESP approach is that its focus on structure and textual conventions in its analysis necessarily results in an “identify and induct” approach to teaching genre. As stated earlier, this study transcends this critique through a close analysis of form and content while paying attention to the centrality of context in text production as well as the meanings student writers attach to their practices.

Below, I provide the rationale for this study by referencing South African as well as international research on students’ negotiation of the literacy practices informing new learning contexts. I do this to argue that, within South Africa, there is a need for longitudinal studies which consider students’ transitions into studies beyond the third year from the basis of an exploration of the intersection of embodied and emerging literacy practices. This has the potential to make available to educators a vantage point from which to comprehend not only the struggles their students encounter in acquiring the relevant genre knowledge at a postgraduate level, but the ways in which this postgraduate space constitutes a platform from which past and present disciplinary selves can be negotiated.

1.4 Rationale for the study

1.4.1 Transition studies within higher education

Internationally, there is a wealth of literature on the transition experiences of first-generation students from marginalised backgrounds and the ways in which they come to access the literacy practices of their disciplines (see for example Clark & Ivanič, 1997; Ivanič, 1998; Herrington & Curtis, 2000; Lillis, 2001). Likewise, within the South African context, a significant portion of the research on writing within HE has investigated the processes through which ESL students from historically disadvantaged schooling backgrounds gain access to discipline-specific literacy practices and epistemologies (see for example Thesen, 1997; Paxton, 2003; McKenna, 2004; Boughey, 2005; Zulu, 2005; Bangeni & Kapp, 2006; van Pletzen, 2006; van Schalkwyk *et al.*, 2009). This research has tended to focus on the undergraduate experience and, within that, is mostly confined to the first year. Its value for teaching and learning is immediately obvious. In outlining the nature of the problems plaguing the first year experience, Scott (2009) rightfully maintains that significant attention needs to be given to the foundation level in order to address the obstruction in the pipeline to postgraduate studies. Notwithstanding this, the area of postgraduate studies has, due to concerns around performance and participation, demanded increased attention over the years, making research on the transition into this level of study equally necessary.

In South Africa and elsewhere, transition studies at the postgraduate level have tended to focus on coursework Masters students' acquisition of the literacy practices and conventions informing research genres such as the thesis and research proposal (see for example Cadman, 1997 & 2002; Prior, 1998; Wisker *et al.*, 2003; Li, 2007; Afful, 2009; Wellington, 2010). Seldom has attention been extended to students entering diploma and Honours programmes within the South African context. This gap is evident in the National Plan for Higher Education (NPHE) (see DoE, 2001). The NPHE's objective of improving postgraduate graduation rates is mainly conceptualised in terms of improving research output at Masters and Doctoral levels. By doing so, the NPHE overlooks the Honours degree which represents an important stepping stone toward a Masters qualification and/or a professional career and the

postgraduate professional diplomas, also known as ‘capping diplomas’³, which offer a viable alternative to graduates aiming to complement their undergraduate degrees. This gap thus highlights the need for research into the ways in which student writers function within these learning contexts and the factors which influence their acquisition of genre knowledge therein.

Research conducted within the discipline of Law has tended to focus on first-year students’ entry into the LLB programme (see Diaz *et al.*, 2001; Weber, 2001; Baderin, 2005; Ngwenya, 2006). With the exception of Ngwenya (2006), this research emanates from outside of South Africa. As such, the experiences of students entering into the postgraduate LLB from other academic disciplines have not been given adequate attention within the South African context. Within the field of business studies, the body of research mainly directs its attention to the textual features of dominant genres with less of a consideration of the ways in which student writers negotiate these in their argumentation (see, for example Nathan, 2010 and his research on the structural and linguistic features of business case reports). Since Connor & Kramer (1995) observed that few studies have explored the literacy practices and writing skills of ESL students in business courses, the situation remains relatively unchanged.

In addition to noting the gap in research into the literacy practices of students entering new disciplines at the postgraduate level, I refer to the above studies to highlight the fact that they have, directly or indirectly, been conducted in response to prevailing concerns around low graduation rates at the undergraduate level. By doing so, I make the argument that extensive research into students’ literacy practices should be extended beyond the third year, as the discussion below illustrates that this problem is not specific to the undergraduate level of study.

³ ‘Capping diplomas’ are postgraduate diplomas for which students register to ‘cap’ or complement their undergraduate degrees. Within the context of the Humanities, the perception tends to be that these will enhance the employability of the graduate.

1.4.2 The problem of graduation rates in higher education

Low graduation rates at the undergraduate level are of huge concern within HE in South Africa and internationally. In South Africa, studies such as those of Scott *et al.* (2007) clearly indicate the gravity of the problem. These authors have, for example, observed that nationally, only 30% of the first-time entering student cohort for the year 2000 had graduated by the end of 2004 (see also DoE, 2005).

The problem is by no means less evident at the postgraduate level. In 2001, the Department of Education declared its objective of increasing postgraduate output within HE institutions in response to a low retention rate (DoE, 2001). Eight years later, the retention rate at this level of study remains a concern. The university's Teaching & Learning Report for the year 2009, for instance, refers to the high drop-out rate at the postgraduate level as a crisis which requires investigation. Institutional responses to this problem have included the formation of a Postgraduate Writing Project which, amongst its other activities, provides support for Honours and Masters students "from coursework through to the research stage" (see Teaching & Learning Report, 2009:21). This study hopes to contribute to this particular initiative through its appraisal of the struggles experienced by coursework students at the Honours level.

1.4.2.1 Legacies of apartheid: the language problem

The low graduation rates which are highlighted above are, to a significant extent, a legacy of South Africa's apartheid past. Apartheid's segregationist policies translated into an inferior schooling system for Black⁴ people, characterised by poorly- resourced and overcrowded township schools which were under the control of the then Department of Education and Training (DET) (see Letseka *et al.*, 2010). The disadvantages produced by this schooling system are evident even after the dismantling of apartheid, manifesting mainly at the level of language. In most township schools, English is taught as a second language despite the fact that it is the official language of learning. The lack of proficiency in the language on the part of

⁴ I use the Apartheid system of racial classification ("African", "Coloured", "Indian" and "White") because the legacy of this system is still evident. In this paper I use the category "Black" inclusively to refer to "African", "Coloured" and "Indian" students.

learners, and at times the teachers, has resulted in learning situations where the common practice is to smuggle the dominant African language of the region into the classroom (Probyn, 2009). Kapp's (2004) ethnographic study of the literacy practices in township schools bears testimony to the fact that this teaching environment does not sufficiently promote learners' ability to engage in English at a cognitively demanding level. The high-level literacy demands of the HE sector coupled with the use of English as the sole language of learning therein thus places students from this schooling system at a significant disadvantage.

This disadvantage is evident in the university's official reporting on teaching and learning within the faculties. A recent analysis of the undergraduate graduation rates shows that the gap between completion rates amongst White and Black South Africans remains large at 82% for White students as opposed to 52% for Black students (Teaching & Learning Report, 2009). This gap is carried through to the postgraduate level. It is significant to note that in the Humanities, the enrolment percentages of Black and Coloured students at the Honours level for the year 2011 stood at 13% and 18% respectively in comparison to 42% for White students. While there are a number of socio-economic factors which contribute to the above disparities in the participation rates of Black students and those of their White counterparts, research such as that of Thesen and van Pletzen (eds., 2006) as well as Jones *et al.* (2008) has identified the level of competence in the language of learning as a critical factor in determining academic success for ESL students from the schooling backgrounds described earlier.

The scenario outlined above thus warrants this study's investigation into the ways in which ESL students come to negotiate the literacy practices informing new genres within postgraduate disciplines. It also warrants the study's exploration of the students' writing practices from an ESP approach as the above scenario suggests that students' struggles with language use are likely to be linked to English as a medium of learning as well as with academic discourse in general. In providing the rationale for this study, I also look to the undergraduate study informing this research to illustrate the ways in which some of its findings shape this study's agenda.

1.5 The undergraduate study

The undergraduate study was conducted by me together with Rochelle Kapp, a colleague from the Academic Development Programme (ADP). We both teach on an academic literacy course for first-year students in the Humanities faculty. The course was initially designed to cater for ESL students who matriculated from township schools, but has, over the years, increasingly admitted students from affluent schooling backgrounds. In 2002 twenty students from our classes volunteered to participate in the study which sought to track the nature of the shifts which occurred in their literacy practices, in their language attitudes and in their constructions of identity over a period of three years (2002-2004); from their entry into the institution to their final undergraduate year.

A significant finding of the above study points to the ways in which the disciplinary identities constructed within the students' various disciplines, particularly those constituting their majors, came to influence their actions both inside and outside the institution over these three years. Within the institution, these disciplinary identities significantly shaped how they approached knowledge and contentious issues within their course curricula. Outside of the institution, students drew on these identities to question and challenge dominant cultural and religious practices within their home communities (see Kapp & Bangeni, 2009). These findings then prompted this study's focus on identity and transition. I wanted to explore how those students who proceeded beyond the third year into professional disciplines would reconcile these embodied disciplinary identities and their literacy practices with those that would emerge in the process of enculturation into these new disciplines. Therefore, by drawing on the data yielded by the undergraduate research project, this study offers valuable insights into the academic paths of ESL postgraduate students from a longitudinal perspective.

1.6 Research questions

In order to address the above I ask the following broad research question and sub-questions:

Research question:

How do a group of ESL graduate students negotiate the transition from Social Science writing contexts to postgraduate professional disciplines?

Sub-questions:

- How do ESL postgraduate students in transition view the literacy practices they bring with them from their undergraduate studies in relation to those within their new disciplines?
- In what ways do they perceive these as contributing to the challenges they encounter in producing the PQA and written case analysis at the postgraduate level?
- In what ways do these perceptions manifest in their use of discourse at the level of the generic move structure of these genres?
- To what extent does having English as a second language affect their use of the language of the discipline and the lexico-grammatical devices shaping these genres?
- In what ways do the transition process and ‘choices’ available to students impact on the construction of a disciplinary self at the postgraduate level?

1.7 Brief overview of the thesis structure

In the next chapter I provide a rationale for the study’s post-structuralist research paradigm. The notion of ‘discourse’ as advocated by post-structuralist theorists is explored in the context of postgraduate students’ induction into new disciplines and into the dominant genres therein. In chapter three, the benefits of a longitudinal approach for case study research are discussed. The study’s methods of data collection and analysis are also presented, with an illustration of the ways in which these are influenced by the study’s choice of research paradigm. A comprehensive analysis of the transition experiences of the Law and Marketing research participants is presented in chapters four and five. These chapters focus on the implications of this transition for their engagement with new forms of knowledge and the dominant genres through which this knowledge finds meaning. In the conclusion I make

recommendations for the teaching and learning of genres for students making the transition into coursework programmes located within professional disciplines at the postgraduate level. I do so through the identification of key areas within the teaching and learning process where the challenges which come about as a result of this transition can be addressed.

Chapter 2: The politics of knowledge: discourse, genre and identity

2.1 Introduction

In chapter one I presented the rationale for the study and the research questions the study attempts to answer. I described the current disparity in participation and graduation rates between Black and White students; a disparity which is significantly informed by Black students' struggles with English as a second language. In so doing I argued that an exploration of ESL students' transition into the genres of postgraduate professional disciplines, and the literacy practices therein has the potential to highlight some of the challenges experienced at this level of study.

This chapter surveys and analyses the work of sociolinguists and applied linguists whose theoretical understandings influenced my initial conceptualisation of the study, and the subsequent data analysis. The study's main research question and sub-questions are strongly informed by the notion that, in the process of moving into new disciplines, students are entering into a new 'discourse community'. In the first section of this chapter, Swales' (1990) characterization of a discourse community (see section 2.3. for a detailed description) and the work of Gee (1996, 2004) are particularly useful for describing my participants' struggles to become accepted members within their postgraduate disciplines. The English for Specific Purposes (ESP) approach to genre analysis assists in describing the various aspects of argumentation which disciplinary novices have to negotiate as they attempt to become literate in the dominant discourses shaping the genres within their disciplines.

As stated in chapter one, the investigation of students' engagement with the literacy practices of their new disciplines is informed by a New Literacy Studies (NLS) understanding of literacy practices as closely connected to social identity. Therefore, in the second part of the chapter, I address the ways in which the positioning power of discourse influences student writers' negotiations of past and emerging disciplinary identities. Here, I draw on Clark and Ivanič's (1997) theory of writer identity which

explores the various subject positions from which the student can write. I end with a consideration of the nature of the interface between the academic and professional domains and the ways in which the presence of the profession within the academic space presents yet another aspect of identity which the research participants have to negotiate. Below, I describe the relevance of a post-structuralist approach for a study which seeks to understand how individuals engage with discourse and the implications of this for agency.

2.2 The post-structuralist approach

Post-structuralism considers the extent to which social structures come to impact on individuals' ability to exercise agency in the acting out of social practices. Here agency is defined as the ability of individuals to take meaningful action in an attempt to actively shape the events in their lives so as to produce desired outcomes (see Walker, 2006). Post-structuralism thus critiques the structuralist notion that there is an objective truth or reality that can be discovered by the researcher. Instead, it places emphasis on the subjectivity of individuals as well as their histories and where they are located socio-culturally (see Scott & Usher, 1996). Like structuralism, however, it emphasises the dominant influence of social structures in its investigation of individuals and social relations. Since the political power of structures is realised through discourse it then becomes essential to examine the extent to which discourse impacts on individuals' social practices.

My framework for conceptualizing 'discourse' in this study is shaped by Fairclough's (1992) three-dimensional characterisation of the term. Firstly, he classifies discourse as social practice where he considers the dialectic between social structures and practice. He argues that members' practices and agency are shaped and constrained by social structures and ideologies which are in turn also acted upon by these practices. Fairclough and Wodak (1997) describe the ideological effects of discursive practices as (re)producing unequal power relations "... through the ways in which they position people" (1997: 258). This leads him to his second conception of discourse as practice

which considers processes of text production and how the producers of these texts make sense of them. This dimension of discourse encourages an understanding of how members of social communities produce, engage with and make sense of social practice (Fairclough, 1992:72). Finally, he illustrates how this social practice is ultimately realised at the level of ‘text’ through its vocabulary, grammar, cohesion and text structure.

Although post-structuralists generally differ in their views on the effects of discourse on individual agency, as Christie (2008) notes, post-structuralist theories have, over time, moved away from ‘totalising’ accounts of discourse which argue that individuals are always overdetermined by discourse. Instead, they argue that “different discourses operate to create different subject positions and power/knowledge relationships. Language functions to construct what is ‘normal’ and to position people as subjects in unequal relationships to others. Discourses are always partial accounts, and it is always possible to work against them” (p. 170).

Given this, the ways in which post-structuralist theorists such as Weedon (1987); Norton (2000); Walker (2006) and Thomson (2009) explain the relationship between structure and agency is persuasive as they point to the ways in which individuals can and do act to exercise agency. All of these theorists maintain that individuals have the ability to “actively create their worlds, but they do so in particular conditions and circumstances that are already structured by history” (Christie, 2008:6), implying that identity is not free-floating. According to Thomson (2009:154), individuals’ lives are both “constrained” and “agentic” .

In attempting to address Blommaert and Bulcaen’s (2000) critique of the limited attention to the impact of context on individuals’ social practices in Fairclough’s theory, I draw on the notion of a discourse community and its regulation of social actors’ participation in the discourses of a particular context. The three sections which follow focus on this notion, particularly the ways in which the epistemology within a disciplinary discourse community comes to shape the worldviews of its participants. In accordance with the study’s research objectives, this entails a consideration of the

worldviews shaped by ways of engaging with knowledge in their undergraduate Social Science disciplines. Since Psychology and Sociology¹ constituted the undergraduate majors of most of the study's research participants, and the ones which they constantly referenced in their interviews and reflection papers, I refer to these disciplines in describing their undergraduate learning contexts.

2.3 The relevance of a discourse community for writing

The shift from generalist views of writing to context-specific ones foregrounds the situated nature of writing (Heath, 1983). Besides characterizing writing as a social practice, this shift brings into focus the notion of a *discourse community* as espoused by the ESP approach as well as by NLS theorists such as Gee (1990). This term has been broadly used to refer to “a group of people who share certain language-using practices” (Bizzell, 1992: 222). As such, disciplines, which are described by Davis (1995:3) as “... discrete subjects which have their characteristic regimen of investigation and analysis”, have been conceptualised as ‘discourse communities’ in their own right (see for example Bizzell, 1982 and Swales, 1990).

Swales (1990), who has conducted extensive research into the social practices of discourse communities, puts forth six criteria which constitute a discourse community in his seminal publication *Genre Analysis: English in academic and research settings*:

- A discourse community has a broadly agreed set of common public goals.
- A discourse community has mechanisms of intercommunication among its members.
- A discourse community uses its participatory mechanisms primarily to provide information and feedback.

¹ The study is mindful of the fact that Psychology and Sociology are not unitary disciplines but that they comprise various branches and approaches, each with its ideological and methodological differences. In this study I use the terms broadly with this fact in mind. Any disciplinary characteristics to which I refer, therefore, are those which are applicable to the various sub-disciplines in their totality. An example of this is the characterization of Psychology and Sociology as empirical disciplines.

- A discourse community utilizes and hence possesses one or more genres in the communicative furtherance of its claims
- In addition to owning genres, a discourse community has acquired some specific lexis.
- A discourse community has a threshold level of members with a suitable degree of relevant content and discursal expertise (Swales, 1990:24-27).

Through the above criteria, Swales is able to demonstrate the communicative aspect of discourse communities by highlighting the mechanisms for participation. What his criteria do not allude to, however, is the potential of these “participatory mechanisms” to be viewed as contradictory or problematic by incoming members. In the light of this, I appreciate Harris’ (1989) definition of a discourse community. In addition to referring to the socio-historically produced norms and conventions of a particular group of people who define themselves by their discourse practices among other things, he encourages us to view the forces within discourse communities “... as social rather than communal, as involving power but not always consent” (p. 21).

Harris’ characterization is a response to earlier definitions of this concept. These definitions tended to portray discourse communities as harmonious entities. In doing so, they failed to emphasise their gate-keeping potential, as well as the impact of the change which comes about as a result of moving into a discourse community with significantly different ways of doing and valuing (see for example Sutton, 1997; Ivanič, 1998; Herrington & Curtis, 2000; Bangeni & Kapp, 2006). Similarly, Hyland’s (2000:9) critique of the ways in which the term has been used aims to resist the emphasis on shared values which he believes serves to “remove[s] writing from the actual situations where individuals make meaning” with all its tensions. It is important to note that the above theorists do not see these contradictions and tensions as negative. Instead, they advocate for an acknowledgment of their existence in order to deal with the effects these have on individuals who are in the process of attempting to gain membership in meaningful ways (see also Bizzell, 1992).

2.3.1 Discourse communities and the assimilation of a worldview

Arising out of the notion of a discourse community is the question around the extent to which it can be said to be constitutive of one's worldview, a question Swales (1990) and others also ask. A number of studies have hinted at the ways in which the members of a disciplinary discourse community come to internalise its ideology and epistemological orientation. As early as 1979, Kockelmans characterised disciplines as having the ability to effect a particular "habitual disposition" (p. 16) in its members (see also Lillis, 2001; McKenna, 2010). Similarly, Geertz (1983: 155) points to the power of the discipline's ideology, maintaining that the process of becoming a member of a discourse community implies a "[way] of being in the world". This process is what results in the tensions to which Harris (1989) and Bizell (1992) refer as individuals then have to find ways of reconciling these ways of being as they move between discourse communities.

In chapter one I described the differences in the knowledge forms guiding curricula within Social Science disciplines and the professional disciplines into which the students graduated (see section 1.2.). In attempting to understand the implications of these differences for student writers, it is instructive to comprehend the epistemologies linked to these knowledge forms. In applied disciplines, for instance, the dominance of contextual coherence in the curriculum shapes the ways in which knowledge is created, viewed and validated. This is evident in Law as described by Goodrich (1987:159): "In any given instance, the predominant ideological characteristic of legal argument is the highly selective manner in which it 'particularises' or translates a series of sociological relations and conflicts into a narrow set of legally relevant facts or issues". This means that the application of these facts within a specific context takes priority over the consideration of the role of the social environment in giving rise to these issues. On the other hand, the shifts in approaches to knowledge which have occurred within Psychology and Sociology over the years have seen a shift from modernist to

interpretivist epistemologies. Interpretivist approaches to knowledge critiqued the notion of the “self-contained individual” and instead afforded more space to relations between social structures and individual agency. They also emphasised that human actions cannot be divorced from the historical and social systems within which they occur (see Kamberelis & Dimitriadis, 2005 and Tredoux *et al.*, 2005 for a detailed explanation of the changes in the approaches to inquiry as well as dominant schools of thought informing these two disciplines).

These epistemological differences manifest in how students in different disciplines come to view knowledge. A study by Paulsen and Wells (1998) for instance found that students in applied disciplines were more likely to view knowledge as absolute, handed down by authority and unchanging. This was seen to be in direct contrast to how students from soft pure fields viewed it in their valuing of multiple sources and diverse opinions (see also Tolhurst, 2007).

Swales (1990) would argue that being a member of a discourse community does not necessarily lead to an inevitable assimilation of its worldview, but that one can deploy its conventions and engage with its values in a detached manner, guided mainly by instrumental motives. However, theorists like Bizzell would disagree. Responding to Swales, Bizzell (1992: 228) argues thus: ‘If we acknowledge that participating in a discourse community entails some assimilation of its worldview, then it becomes difficult to maintain the position that discourse conventions can be employed in a detached, instrumental way’. In reviewing the positions taken by these theorists, I tend to lean more towards Bizzell’s argument. Nevertheless, in positioning myself thus, I would argue that the extent to which a discourse community is able to impress its worldview on its members is dependent on a number of factors, one of which would be the individual’s level of investment in the discipline. I explore this within the context of a discussion on identity in section 2.6. A persuasive argument regarding the assimilation of a worldview can be found in Bourdieu’s (1990) theory of social practice and his notion of *habitus*.

2.3.1.1 Bourdieu's notion of *habitus*

Bourdieu's (1990) theory links an individual's practices and actions within societal structures to dominant socializing forces in their life. These result in the formation of what he terms *habitus*. Bourdieu and Wacquant (1992:13) define the concept in the following way: "Cumulative exposure to certain social conditions instills in individuals an ensemble of durable and transposable dispositions... collectively referred to as *habitus* which structures new experiences in accordance with those existing structures produced by an individual's past experiences". His theory thus references the dispositions which are formed early on in one's life, largely informed by one's family and class position. These dispositions typically manifest not only in the individual's mannerisms, body posture, accent and tastes but also in their attitudes, that is, ways of thinking and feeling. An essential point which Bourdieu makes about these dispositions is that they have the potential to direct individuals' actions in social fields, thus serving to constrain or facilitate agency depending on the nature of the field and the cultural capital valued therein.

Within the field of education, Bourdieu extends this notion of *habitus* to include an academic *habitus* and within that a 'disciplinary *habitus*' (see Klüver & Schmidt, 1990; see also Klein, 1996). In the context of this study, the notion of a disciplinary *habitus* offers a more relevant and contained way to talk about the worldview to which Swales (1990) and Bizell (1992) refer. This offers a lens through which to characterize the ways of thinking, feeling and believing which the research participants bring from their undergraduate disciplines. These dispositions then come to influence how student writers engage with the genres within their postgraduate disciplines.

2.4 Induction into a disciplinary discourse community: the place of genre

Swales (1990) points to the role of genre in defining a particular entity as a discourse community. In the criteria discussed earlier, he posits that a discourse community can be said to own specific genres with which members are expected to

engage in their daily interactions with each other. As such, he situates genre as an event within a discourse community, thus emphasising a shared understanding of its communicative purpose among its members. This implies that a consideration of the audience which is being addressed is an important aspect of genre. Apart from placing the communicative purpose of a genre at the centre of the analysis, an ESP approach to genre analysis foregrounds how this communicative purpose is realised in its form and content. The thesis thus draws on genre to mean ‘text types’ while emphasising the notion of a shared set of practices and ideologies.

Berkenkotter and Huckin (1995) emphasise the centrality of form and content in the induction of a disciplinary novice into the genres of a discourse community. An aspect of the content to which they refer includes background knowledge, which they characterize as constituting “knowledge of the world, of a particular community, of a discipline” (p.14). Typically, this knowledge is not explicitly taught within the discipline, but could be said to be tacit, gained through prolonged participation in disciplinary culture. Within the South African context, the processes by which ESL students from the township schools described in chapter one come to acquire genre knowledge are likely to differ significantly from those described in studies on student writers’ acquisition of genre knowledge within the U.S. context. The teaching methods in township schools typically predispose its learners to a prescriptive approach to knowledge, in which a critical reflection on the nature of knowledge and its creation is largely absent (see Slonimsky & Shalem, 2004). The three years spent by the research participants in their undergraduate disciplines enabled a gradual shift from this limited and narrow way of viewing knowledge (see Kapp & Bangeni, 2009). However, an examination of the factors informing ESL students’ acquisition of genre knowledge would need to be premised on the fact that these students are more likely to struggle with recognizing and engaging with the various forms of knowledge informing the production of the genres within their postgraduate disciplines. The processes by which they come to acquire and engage with tacit knowledge in their engagement with the discipline’s literacy practices are therefore important.

The centrality of form within the ESP approach draws attention to the valued ways of constructing and presenting arguments within the students' new disciplines. Below I discuss various aspects of argumentation, from considerations of structure at a macro-level to the use of lexico-grammatical resources at the micro-level.

2.4.1 Focusing on form: cognitive move structure as an aspect of argumentation

The “common public goals” of a discourse community to which Swales (1990:24) refers are realized through the discipline's dominant approaches to teaching and learning. These include the ways of arguing favoured by the discipline. The different definitions of argumentation put forth by scholars and researchers within the field indicate its various aspects. Rybacki and Rybacki's (2004:3) definition underscores the role of evidence in argumentation, termed ‘burden of proof’ in Law: “Argumentation is a form of instrumental communication relying on reasoning and proof to influence belief or behavior through the use of spoken or written messages”. Govier's (2009) more recent definition, on the other hand, is reflective of the stages through which the speaker / writer needs to move in order to successfully convince the audience of the validity of their claim. She defines the process thus: “An argument is a set of claims in which one or more of them – the premises – are put forward so as to offer reasons for another claim, the conclusion” (p.1).

The move structure of a genre forms an important aspect of argumentation. Within applied disciplines the case-based approach to teaching and learning is central. Bhatia (2004: 48) illustrates the significance of argument structure within the case genre in Law and Business:

Cases form the most significant part of the repertoire of disciplinary discourses in ... the disciplines [of] business and law. In both these disciplines, this genre is viewed as a record of past events, leading to the identification of problematic issues, contextualization of opportunities for discussion and illustration of important disciplinary concepts, issues and decisions. In both these disciplines,

the generic realizations begin with a characteristic narration and description of facts, leading to the identification of problems and discussion of issues at stake, and finally arriving at some form of solution or judgement based on disciplinary conventions.

Both the legal PQA and the written case analysis in Marketing follow the above structural sequence as they both, amongst other objectives, aim to equip students with the skill of producing and engaging with legal and business case reports within the workplace. This study considers the ways in which students negotiate the various moves within these two genres. In doing so, their attempts at reconciling these with the forms of argumentation they bring are duly considered. This includes an exploration of their use of metadiscourse at the level of lexico-grammar.

2.4.2 The role of metadiscourse in genre production

Hyland (2004b) extends the commonly cited definition of ‘metadiscourse’ as a “discourse about discourse” to highlight the relationship between text and context. He defines metadiscourse as “the linguistic devices writers employ to shape their arguments to the needs and expectations of their target readers ... mak[ing] choices to express a ‘voice’ consistent with disciplinary norms by revealing a suitable relationship with [their] data, arguments and audience” (p.134 & 136). The effective use of metadiscourse is realised through the aspect of writer identity which Clark and Ivanič (1997) term the ‘discoursal self’ in their conceptualisation of the subject positions available to a writer (see section 2.5.1 for a more detailed description of this aspect of writer identity). Based on this, Hyland states that “Metadiscoursal analysis is therefore a valuable means of exploring academic writing and of comparing the rhetorical preferences of different discourse communities” (p.148).

Metadiscourse comprises textual as well as interpersonal dimensions. While textual metadiscourse refers to the organisation of information in ways that the audience finds coherent and convincing, interpersonal metadiscourse “allows writers to express a

perspective towards their propositions and their readers” (Hyland, 2004b: 112). The latter includes features such as hedges and boosters which signal tentativeness and certainty respectively (see chapter three, section 3.6.3.2 for a more detailed explanation of the features constituting interpersonal metadiscourse).

Lung’s (2008) analysis of the use of metadiscourse in Business and Law cases reflects the ways in which the use of metadiscoursal linguistic devices is reflective of the nature of a discipline and its main objectives. For instance, Law and Marketing cases both revealed a use of more textual metadiscourse devices than interpersonal ones. Lung explains this by arguing that “since Marketing is based on the principle of exchange, there is a need to display devices which help inform the readers of their [marketers’] intentions, meanings and attitudes, orienting and guiding them through information” (p. 253). She provides the same justification for the high percentage of textual devices in Law cases. Drawing on the insights of Honore (1995) she argues that since the discipline is concerned with “settling disputes about what the law is and whether it has been broken ... there is a need to exercise control over the discourse and this is achieved by employing textual metadiscourse devices to relate propositions to the readers and mark their implications” (Lung, 2008:253).

However, my analysis of the students’ use of metadiscourse focuses on their use of interpersonal devices more than their negotiation of textual devices. This is in accordance with the study’s objective of exploring the ways in which students address audience expectations in their writing. Exploring their use of modalization, which is an aspect of interpersonal metadiscourse, therefore allows me to see the extent to which they are able to fulfil this aspect of argumentation within the PQA and Marketing case analysis.

Studies on metadiscourse such as Nathan’s (2010) have tended to explore the ways in which metadiscoursal linguistic devices shape specific genres. The analysis is therefore not situated within an approach which would provide insights into students’ understandings of their use of these devices. Metadiscourse, by virtue of its definition,

highlights the role of the social context in circumscribing language use. Therefore, studies which fall short of exploring student writers' negotiations of this aspect of their argumentation overlook an important aspect of their induction into the literacy practices of their respective discourse communities. In my analysis of the students' use of interpersonal metadiscourse, their statements regarding their awareness of how their new contexts affect language use are deemed important.

The above discussion of metadiscourse as an instance of language use highlights the ways in which the act of writing foregrounds various aspects of identity. In the following sections I explore the factors driving the construction and acting out of identity within the disciplines. I extend this analysis to a consideration of the ways in which the students' emerging professional identities inform this process of identity construction and meaning-making.

2.5 Identity within the scope of the study

As mentioned in chapter one, one of the study's objectives is to consider the ways in which students attempt to reconcile their Social Science disciplinary identities and accompanying disciplinary *habitués* with those forged in their new disciplines. This objective is addressed through the sub-research question, "*In what ways do the transition process and 'choices' available to students impact on the construction of a disciplinary self at the postgraduate level?*". In this section I describe the lens through which the study views identity as well as the ways in which the construction of a disciplinary identity is shaped by a variety of factors such as the extent to which students are invested in the discipline.

In the context of this study, identity is understood to include the students' identities as ESL speakers and as postgraduate students in transition from undergraduate disciplines seeking membership into applied professional disciplines. It thus comprises disciplinary identity, linguistic identity which is tied to their racial identities, as well as an emerging professional identity. So, even though this study foregrounds and prioritises an

exploration of the developments and shifts in disciplinary identity, in doing so it simultaneously shows the ways in which students' emerging professional identities and linguistic identities come to shape this process. Therefore, by signalling these other identities I am acknowledging the interconnectedness of the different aspects of identity; a phenomenon which DiPardo (1993:8) refers to as the "webbing of the linguistic, social and academic".

The study takes into account post-structuralist notions of identity (Weedon, 1987; Bhabha, 1994; Sarup, 1996). In stressing the fluid nature of identity, these post-structuralist theorists define identity as being neither unified nor fixed. Instead, they characterise it as being fluid, multifaceted and often contradictory. The undergraduate study revealed the ways in which students struggled to reconcile contradictory identities within their various disciplines and the subject positions circumscribed by the different kinds of writing therein. In the next section I draw on Clark and Ivanič's (1997) theory of writer identity which describes these subject positions in detail.

2.5.1 Writing and identity

Earlier in the chapter I made reference to how discourse produces subject positions which influence the ways in which student writers engage within discourse communities. Clark and Ivanič's (1997) theory of writer identity is significant here as it foregrounds the different positions that are available to writers as they are inducted into academic writing. Their theory of writer identity argues that "writers' identities are socially constructed through the 'subject-positions' that are available to them" (p. 136). These subject positions include the autobiographical self, the discorsal self and the self as author. The autobiographical self constitutes the writer's life-history which, according to Clark and Ivanič, has the potential to shape how writers respond to the issues about which they write. The second subject position is what they term the discorsal self. This subject position is particularly significant for 'becoming members' within a discourse community. It concerns itself with the ways in which the student writer presents himself or herself to their reader through the discourse practices on which they draw. These are

manifest in the discursive choices they make in expressing views and opinions as well as in their use of lexical items; aspects of their argumentation which the study analyses in detail. In the context of this study, the discursive self would include the disciplinary *habitus* formed in their undergraduate majors.

The third aspect of writer identity is the self as author which highlights the extent to which the writer's voice is evident in their writing. As with the discursive self, this aspect of writer identity is important for writers entering a new disciplinary discourse community. It is through the authorial self that members can illustrate effective participation in the culture of the discipline through their ability to locate themselves within the knowledge base therein. According to Clark and Ivanič (1997:152), writers do this through the expression of their beliefs and ideas in their writing; through "*saying something*" [their emphasis]. In analysing my research participants' writing, this aspect of writer identity provides useful ways of explaining their understandings of 'voice' alongside those of disciplinary experts. It also provided a rich layer to the analysis as it clearly showed the ways in which students' Social Science identities shaped their engagement with disciplinary theory in their postgraduate writing. Underpinning this analysis of their engagement with these subject positions is a consideration of the students' ESL identities. The analysis thus considers the extent to which their various engagements in their writing are informed by their ESL status.

The notion of identity is also explored in relation to Hetherington's (1998) notion of space which, like Clark and Ivanič's writer identity theory, signals its situatedness. Hetherington suggests that identity involves an identification with particular places. This statement implies that "there are certain spaces that act as sites for the performance of identity" (1998:105). Likewise, Blommaert's (2010) notion of space points to the regulated and political nature of spaces. He argues: "Movement of people across space is ... never a move across empty spaces. The spaces are always someone's space, and they are filled with norms, expectations, conceptions and what counts as proper and normal (indexical) language use and what does not count as such" (p.6).

Here the term ‘space’ is interpreted as being, first and foremost, the disciplinary spaces within which the students interact. However, this definition is not confined to the immediate learning space within the academic disciplines. It also encompasses the physical environments in the form of the buildings and the symbols therein and to a lesser extent, their home environments. In describing their transition into postgraduate studies, students comment on these spaces and juxtapose them with those of their undergraduate ones in a bid to make statements about how they are positioned by their new environments. In the light of this, I therefore feel that a consideration of how and why certain aspects of identity are foregrounded in particular contexts becomes important and how these impact on students’ agency. I look to the notion of investment as a factor which informs this foregrounding in the various spaces which they traverse.

2.5.2 The notion of ‘investment’ and identity

I draw on Norton’s (2000) notion of ‘investment’ to illustrate how students participate in and negotiate their respective discourse communities. Norton’s study explores the extent to which a group of immigrant women in the USA are committed to learning and speaking English within their social contexts. She uses the term ‘investment’ rather than the conventional socio-linguistic concept of ‘motivation’ to signal that discussions on language and literacy learning need to take into account the individual’s multiple desires, ambivalences and complex social history, and that one’s investment in a target language is likely to be “complex, contradictory and in a state of flux” (Norton, 2000: 10-11). So while the use of the term ‘motivation’ tends not to take the complexities of identity into account, Norton believes that the term ‘investment’ manages to communicate the connectedness of identity, power and language learning.

In the context of this study the link between ‘investment’ and ‘agency’ is implied in the understanding that, for some of the students, their level of investment in the discipline and its attendant discourses does, to a significant extent, inform the extent to which they can exercise agency in the transition process.

Angelil-Carter's extension of Norton's notion of investment speaks to this study's context. She applies Norton's notion of investment to the context of learning a new discourse. Angelil-Carter (cited in Norton, 2000:11) argues thus:

For Norton's concept of investment to take on meaning in the academic language learning context, I believe, it can usefully be broken down from its broad idea of investment in a target language such as English to *investment in literacies, forms of writing or speaking* ... that are dislodged and reconstructed over time and space. Such investments may play a powerful facilitating or hindering role in the acquisition of new discourses [my emphasis].

It is these 'forms of writing and speaking' to which Angelil-Carter refers that this study finds relevant. 'Investment' is thus considered in terms of the extent to which the postgraduate students were invested in their undergraduate disciplines and the implications of this for how they engaged with the new discourses of their postgraduate disciplines. By drawing on Norton's notion of investment, the study considers the "multiple desires" of the research participants, as well as the negotiation of these within the disciplinary space.

In chapter one I discussed the strategising which students from working class backgrounds have to do as they attempt to take up the 'choices' available to them within the institution (see section 1.1). For my research participants, this links up with the kinds of investments that accompany the decisions they make within this space. Since they were first-generation university students, their families and communities had high expectations of them graduating and contributing financially. Furthermore, two of the students were from communities that are characterised by gangs, violence, poverty and crime. While they felt relief at having managed to escape these circumstances, in their undergraduate interviews they described how they were invested in graduating, finding employment and returning to their communities to 'give back' (see Bangeni & Kapp, 2006). They also spoke of how their families anticipated their graduation as it would signal their ability to assist financially, and in some families, to take over the

responsibility of being the breadwinner. The decision to register for postgraduate studies instead of finding employment, therefore, had implications for their families and immediate communities. Even though this aspect is not the main focus of the study, I believe that a study that explores academic identity and the paths taken by students in their academic careers cannot afford to disregard where the students come from and how they position themselves in relation to their families and communities. This is especially important because home relationships and circumstances influence the ‘choices’ they make in the academic environment, as suggested by Bourdieu’s notion of a familial *habitus*. In the interviews I address this through accessing the reasons behind their decisions to register for postgraduate studies.

2.5.3 The merging of the professional and academic domains

The data yielded by the study points to the important ways in which social practices within academic learning contexts are impacted upon by the professional domain. In writing about ‘disciplinary becoming’ and genre mastery for students who are entering a new discourse community, Dressen-Hammouda (2008:234) states that students have to “*become* like the experienced practitioners with whom they are communicating” [her emphasis]. This is evident in the communicative purposes of the PQA and the written case analysis which train students to provide legal advice to a client and marketing strategies for a business organization. In doing so, students are, to an extent, required to assume the corresponding professional identities as they construct their arguments; that of a lawyer/judge and marketer respectively. Zhu (2004:130), writing from the context of business studies, expresses this point clearly:

The school and professional forums do not have to be separated in terms of physical space, but instead may be juxtaposed and co-existent. This means that instead of operating in two separate forums where roles may be more clearly defined or perceived, business students on many occasions may have to function and communicate in two forums simultaneously in courses and/or assignments which require writers to take on both learner and professional roles.

A successful negotiation of the roles to which Zhu (2004) refers would entail a process of identity negotiation in the writing of the PQA and marketing case analysis. The study explores the ways in which students negotiate these roles and the implications of this negotiation for their writing. The next section considers identity in terms of linguistic identity in the context of ESL students' struggles with writing within a legal context.

2.5.4 Writing (in) the discipline of Law: the ESL issue

The gate-keeping effects of language in the learning process have been highly documented (see Thesen & van Pletzen, eds. 2006). The findings of the undergraduate study, for example, revealed the various ways in which language acted as a gate-keeper for the research participants in the learning process. These included their struggle with expressing themselves in their lectures for fear of being mocked by their classmates (see Bangeni & Kapp, 2007 for a detailed examination of the ways in which language acts as a gate-keeper, more especially during the first year of study).

It would seem that the struggle with language in writing is more intense within the Law discipline and, by extension, within the legal profession. An article which appeared in the Cape Times (2007) entitled "Law graduates 'can't handle figures or write papers'" comments on how their struggles extend to producing the genres of the field: "... some graduates [are] unable to compose affidavits and pleadings. The lack of literacy and numeracy skills among law graduates is causing alarm, with senior members warning that their field's status as a learned profession risks being undermined" (p.2). While this article comments on law students in general, the undertone suggests that the problem is largely language-related.

Within the South African context, a number of studies have hinted at the struggles which ESL student writers face within the field of law (Greenbaum, 2004; Zulu, 2005; Ngwenya, 2006). Greenbaum's (2004) study, for example, conducts an inquiry into the quality of ESL students' legal writing within the four year LLB degree. In surveying

relevant literature on the topic, she references a large study which sought to access the views of legal educators in South African universities on the quality of their LLB degree students. Greenbaum notes that the areas in which students struggled were mainly centred on language usage, expressed by the educators who were interviewed as “the inability of students to express themselves” (2004:8). While these studies offer useful insights into the struggles experienced by ESL students, they do not consider students’ own views on their struggles with English within this context. This study thus hopes that through its sourcing of students’ understandings of these struggles, statements such as those of the educators in Greenbaum’s study and professionals in the field can be contextualised.

2.6 Conclusion

This chapter has presented the theoretical framework around which the study is constructed. Salient issues around discourse, genre, and identity are foregrounded and discussed in the context of ESL students’ transitions into new disciplinary discourse communities at the postgraduate level. Underlying the discussion of these issues is a consideration of the agency-structure relationship. This assists in addressing the tendency of research within the business and legal fields to focus on the effects of discourse at the expense of insights into the experiences of the social actors at the receiving end of this discourse. This study’s consideration of the ways in which student writers explain their engagement with discourse therefore hopes to contribute to, among other issues, a balancing out of the research agenda within these two disciplines so as to better understand student writers’ engagement with literacy. In doing so, a consideration of the factors which serve to promote or hinder their agency in this process becomes important. This is especially necessary within the South African context in which past and present events constituting the country’s political and sociolinguistic landscape significantly shape learning within higher education. In the next chapter, the methodological underpinnings of this study are presented. In doing so, I illustrate the ways in which its objectives are addressed through its data collection methods.

Chapter 3: Research Design and Methodology

3.1 Introduction

In chapter two, the rationale for framing the study around a post-structuralist approach was provided. The study draws on dominant theories in the field of argumentation and genre theory to explain the act of writing as a social activity within a disciplinary culture. It argues that, while the literature on situated writing provides a useful starting point for exploring postgraduate students' engagement with discipline-specific writing practices, the level of investment in the discipline and the impact of prior learning contexts cannot afford to be overlooked.

In this chapter I attempt to show how the theoretical framework discussed in the previous chapter informs the study's research design as well as its choice of methodology. In part one, I discuss the relevance of case study research for this study and how I address issues around reliability and validity within this type of research. Part two provides a detailed description of the data collection process in which the study's choice of data collection methods is justified. The frameworks of analysis on which the study draws are also presented.

PART ONE: Research design

3.2 Qualitative case study research

This research takes the form of a qualitative case study. Burns (2000:460) defines a case study as "an inquiry into a specific phenomenon where the research process entails the collection of very extensive data to produce an understanding of the phenomenon under investigation". Qualitative research aims to understand, interpret and explain social phenomena with a prioritisation of the contexts in which they occur. Unlike quantitative

research, the context is central in drawing conclusions and the researcher has no control over the ways in which events unfold (see Keen & Packwood, 1995:444). A case study that uses qualitative methods is most valuable in answering questions that seek to move beyond the *what* to find out *why* and *how* things happen (see Kamberelis & Dimitriadis, 2005). Thus, an important objective of a qualitative case study is to consider the ways in which context influences the perceptions, beliefs and knowledge that individuals share about a particular situation (see Burns, 2000: 303; also Casanave, 2003 who writes about the suitability of qualitative case studies for exploring ESL writers' experiences from a socio-political perspective).

The benefits of case study research can be traced as far back as Nietzsche (1882), whose philosophy on truth and meaning has influenced a number of post-structuralist thinkers. Nietzsche wrote of the “rich ambiguity” (p. 373) of life and how this approach brings it to the forefront of analysis, thus serving to preserve it. This rich ambiguity is what this study attempts to capture. In exploring the students' transition experiences I was not looking solely to uncover coherent patterns in the data. Instead, I also took into account the complexities that could surface (see section 3.4 on the discussion of validity and reliability in case study research). This sentiment is expressed by Flyvbjerg (2006: 237) who states: “Case studies often contain a substantial element of narrative. Good narratives typically approach the complexities and contradictions of real life”. More recently, Thomson (2009:2) has reiterated the significance of valuing these contradictions and complexities by arguing against notions of research which “gloss over the messy business of real-life...” and instead calls for an approach which values the changing constructions that people assign to their experiences (see also Burns, 1997 and Noor, 2008).

This study makes use of multiple case studies in its exploration of the transition experiences of six students. While this sample is not necessarily representative of postgraduate students' transition experiences as a whole, the nature of qualitative research means that the study takes note of emerging patterns which may suggest shared views while also appreciating and acknowledging the uniqueness of each case. In the

light of this, providing ‘thick description’ (Geertz, 1973) of this process becomes all the more important. The phrase ‘thick description’ is best described by Lincoln and Guba (1985) as a process whereby the researcher gives a holistic account of the phenomena in question as well as the context(s) in which these occur. The ultimate goal is to explain how these contexts shape the participants’ experiences.

3.2.1 The longitudinal approach in case study research

The case study method has been noted as being especially effective for longitudinal studies (see Burns, 2000). Thomson’s (2009) study considers the transition experiences of a group of youths in the UK who are in the process of making the journey into adulthood. She focuses on their unfolding gender identities. In describing this study’s methodology, she argues that the usefulness of the qualitative longitudinal approach as a research method has not been sufficiently explored. She maintains that the use of this approach enables the researcher to explore the relationship between agency and structure. My study attempts to look at this relationship from the perspective of entering a new discourse community and how my research participants negotiate this process. In doing so, it considers those instances when they feel empowered enough to challenge, be it in explicit or less overt ways. Therefore, what Thomson (2009:15) terms “the subject in process” becomes especially relevant in terms of how I perceive the students’ transitions and the ways in which they construct their identities during this pivotal time in their learning careers. This includes the ways in which they foreground or relegate to the background those experiences shaped by past discourse communities while attempting to retain those identities in which they are heavily invested. In exploring the nature of these constructions of the self, the explanations which students offer are seen as significant and therefore as contributing to the overall story which this research attempts to tell.

3.3 Motivating for an emic/insider perspective in longitudinal qualitative research

In adopting an academic literacies approach to writing, this study prioritises students' first-hand accounts of their experiences in the data analysis process. It explores the ways in which the students understand and perceive their role as active participants in the construction of academic texts and the impact of the new discourses they encounter on this process (see Basson & Nonyongo, 1997; Barkhuizen, 1998; Bayer *et al.*, 2005 for a similar methodology in a variety of contexts). In attempting to highlight the relevance of the emic perspective for research on writing and transition of student writers into new disciplines, the quote below from Pardoe (2000:142) is instructive as it manages to capture the reasons behind the study's decision to draw on students' interpretations of their writing practices. Pardoe writes:

I have tried to illustrate the importance of researching students' *accounts* of their texts, rather than simply the texts themselves, and of trying to understand the potential rationale behind 'unsuccessful' aspects of their texts. This can offer practical insight into why these might have been unsuccessful, and can offer the tutor practical ways forward. It challenges the assumption that students' difficulties in writing are simply an issue of their 'skills'. Instead it focuses our attention on the understandings that have guided them, and the practices they have drawn on [his emphasis].

Pardoe's statement points to the space opened up by this approach for student writers to exercise their agency in the process of argument construction. Its objective, therefore, is to provide rich descriptions of the people being studied and what they say, thereby taking the position that research cannot be limited to the observable (Usher, 1996). In attempting to highlight the significance of seeking an insider perspective, Fereday and Muir-Cochrane (2006) refer to the pioneering work of Alfred Schutz (1967), the father of social phenomenology, who viewed the "safeguarding [of] the subjective point of view as of paramount importance if the world of social reality was not to be

replaced by a fictional, nonexistent world constructed by the researcher” (Fereday & Muir-Cochrane, 2006:2). Drawing on this perspective, this study, therefore, aims to be interpretive by offering explanations of the processes and writing strategies deployed by the research participants and the implications of these for writing development from their perspective.

Having said this, it is crucial to stress that my role as researcher and interpreter is equally important. The role of the researcher in reporting the findings of case study research is best described by Stake (1994:239-240) who states: “We cannot be sure that a case telling its own story will tell all or tell well, but the ethos of *interpretive* study, seeking out emic meanings held by the people within the case, is strong” [his emphasis]. He then points out that, even though the research is “committed to empathy and multiple realities, it is the researcher who decides what is the case’s own story, or at least what of the case’s own story he or she will report” (p.240).

Approaching a study from an emic perspective then necessitates an exploration of the two layers of interpretations that emerge from the data. These are, firstly, those of the students as they offer their interpretations of the ways in which they engage with their new discourse communities (in their interviews and reflection papers). The second layer of interpretation is that of the researcher, which is then ‘layered’ on those of the students. Usher (1996:19) explains this by arguing that “in social science research both the subject (the researcher) and object (other people) of research have the same characteristic of being interpreters or sense-seekers”. In the process of analysing the data, particularly the academic essays, I had to ensure that a balance was struck between my interpretations of the student essays and the intention of the student as producer of the text. In this case study, interpretation worked twofold: first and foremost, I was interested in students’ interpretations of how the new discourses impacted on their academic writing. From these, I then had to draw my own conclusions/interpretations as the researcher, using their academic writing as the basis for these interpretations. By doing this I was attempting to

strike a balance between ‘giving voice’ (Clough & Nutbrown, 2002:82) to the participants’ interpretations *and* to my own interpretations of the data.

Students’ accounts of their experiences guided the analysis of the writing in two important ways. Firstly, they strengthened the analysis in that they provided a platform from which to analyse their texts by exploring the extent to which there was a co-relation between what they perceived as challenges in their writing and what my analysis yielded. Having said this, the aim behind this process was not to use my analysis for purposes of evaluating their perceptions of their writing for accuracy. Rather, as stated before, it was to explore the reasons behind these perceptions and to attempt to identify the ways in which those aspects of argumentation which they identified as challenges manifested in their writing.

Secondly, I was able to gain insight into the extent to which students’ views on their identities as academic writers changed over time. Again, the reasons that they gave for these changes were significant in that they pointed not only to literacy issues within the immediate disciplinary spaces they occupied but to external factors as well; factors which played a role that seemed equally important and therefore worth exploring. This process of data analysis brings up issues around validity and generalisability in qualitative case study research. I discuss these issues in the next section.

3.4 Reliability and validity in qualitative case study research

A complicated aspect of the case study is assessing the reliability and validity of its findings. Yin (2004), a well-known advocate of the case study method, cautions that scholars “...have been frustrated by the apparent lack of rigor in case study research” (p. xii). However, he asserts that the use of multiple cases addresses this as “the data from multiple cases can strengthen case study findings, making interpretations more ‘robust’” (p. xv). My use of multiple cases, therefore, serves to address this concern as I

provide an extensive picture of each of the students' overall experiences by looking at individual differences whilst also noting similarities which suggest a shared experience.

In addressing generalisability in case study research, supporters of the case study approach such as Johnson (1992) and Bell (1987) argue that the worthiness of the case study lies in the extent to which its findings can be used to address problems that arise out of a similar situation. Thus the *relatability* of a case study could be said to be more important than its generalisability (see also Gerring, 2004). Moreover, educational research assumes that a group of people are more alike than they are different (Johnson, 1992). This sentiment is best expressed by Stake (1994:241): "People find in case reports certain insights into the human condition, even while they are well aware of the atypicality of the case".

An aspect around reliability and validity in qualitative case studies concerns the notion of 'truth'. Peters (2004:57) refers to evolving notions of 'truth' where he addresses dominant debates on what counts as 'truth' in educational research. This debate allows educational research to "question the relationship between doing research and *reporting* on it" [his emphasis]. He asserts that: "Of the diverse modes of reporting, none has sole purchase on the truth" (p. 57). Along these lines, Bekerman (2006: online, no paragraphs) advocates for an approach that explores the "multiple ways in which the world can be known", rather than wanting to "uncover a true reality".

Another apparent methodological shortcoming of a study of this nature concerns the contradictory nature of perceptions, especially when observed over a period of time. In the process of analysing the corpus of data that I had at my disposal, it was not only the consistency between student perceptions of their writing and the markers' analyses that I found relevant and worthy of noting. I did not seek to prioritise rationality (Usher, 1996:13) in the students' accounts of the transition process at the expense of those that appeared contradictory. Riley *et al.* (2003) rightfully argue that we should "interrogate our reflexive accounts as texts that create versions of past events in order for us to explore the multiplicity of our experiences, celebrating contradiction as much as coherence"

(online - paragraph 54). I found that the contradictions tended to signal underlying tensions in the transition process. These tensions, which typically characterise efforts to reconcile differences between past and present disciplinary discourses, were given due recognition and were fully addressed in the interviews.

In part two of this chapter I describe the research process in detail. Importantly, I show the links between the data yielded by the undergraduate study and this project. Also, in an attempt to be reflexive, I describe the ways in which my identities as a Black academic researcher shaped power relations in the research process (see section 3.7).

PART TWO: The research process

3.5 Negotiating access to the research participants

Upon graduating from the Humanities faculty at the end of 2004, six of the twenty students who had participated in the undergraduate study, namely Harold, Andrew, Babalwa, Noluthando, Susan and Sizwe (pseudonyms), took the decision to register for postgraduate studies. Having made the decision to explore the transition from undergraduate to postgraduate studies and its impact on writing and constructions of identity, I approached this group of students and explained the project and its research objectives. In the process of obtaining their signed consent I explained that they were under no obligation to participate in the ‘new’ study and that if they chose to extend their participation, they had the right to discontinue at any given time.

An issue which came up for me during negotiating access to the participants for this study was that of my relationship with my co-researcher’s students. With the exception of Babalwa, all the students in this study had been taught by her. Prior to starting our longitudinal study in 2002, we had both explained the objectives and envisaged structure and time frame of the study to students in our individual classes and had thereafter asked for volunteers. In the course of the three ensuing years, we each

interviewed the students we had taught and, during the course of this time, got to know them as individuals. It gradually became evident how their trust in us grew within this space of time as they became more forthcoming in their individual interviews where they shared information beyond the scope of our questions. Therefore, when I ‘took over’ my co-researcher’s students for this study, they had formed a close bond with her. Even though I had interacted with them at the informal social gatherings we arranged as well as in the joint e-mails we had composed, I knew them mainly through her accounts of them and through the documented research data. In interviewing them I was, therefore, acutely aware of the dynamics of the interview space as described by Limerick *et al.* (1996). In their article on the politics of interviewing, they characterise the interview as a “gift” (p. 449), given to the researcher by the interviewee. In presenting the interview in this way they allude to the intimacy shared by the researcher and interviewee within this space. Therefore, I felt that having a ‘new’ researcher who had access to what they had said in previous interviews could potentially affect how they responded. For instance, I can recall how, in making references to undergraduate data in the postgraduate interviews, I felt like an interloper who had “looked into” and gained access to data which had been provided in the intimacy of their interviews with my co-researcher.

My anxiety with regard to how to negotiate this ‘new’ relationship seemed to be shared by Andrew. At the start of our first interview he informed me that he had been anxious about being interviewed by me for the first time and had gone to my co-researcher’s office to get clarity on the nature of the questions I would be asking so he could be prepared (see postgraduate (PG) interview 1 with Andrew in Appendix 5). However, the forthcoming manner in which he spoke about his transition in the interview belied this anxiety.

Mouton (2001:244) maintains that “human subjects must be informed as to what will happen in the research process and their signed consent should be obtained”. In order to achieve what Scott & Usher (1996:68) view as “open democratic research”, the research participants were fully informed of the research process. The different stages of

the research process, as well as the implications of their involvement for the study, were fully described beforehand. In accordance with the institution's code of research ethics the students signed consent forms which explained the nature of the data I would require from them and which also assured them that, as in the undergraduate study, their anonymity would be preserved at all times. In the process of analyzing the data, particularly the essays, I realized that I needed to immerse myself in the discourses of the disciplines in question and that this would entail interviewing disciplinary experts about disciplinary conventions and values. I emailed the students and assured them that if the need for communication with their lecturers in these disciplines arose, they would be informed and their anonymity would not be compromised.

3.5.1 Maintaining contact

I maintained contact with the students primarily *via* e-mail communication. I routinely e-mailed them to inform them of upcoming interview sessions. In the emails I also requested that they inform me of any changes in their contact details and, more importantly, keep me informed of their academic progress. I was aware, however, that a student might not readily disclose information if they were not succeeding academically and in cases like these, took note of lulls in communication and non-submission of academic essays. I then found ways to address this in the interview in the context of problems they might be experiencing in their transition as a whole.

Another way of maintaining contact was to invite the students to e-mail me or come to my office to see me if they had any 'interesting' information to tell. Babalwa, who had been in my class, took up this invitation, coming to my office on a regular basis to chat about events in her academic and personal life. She tended to apologise for lengthy absences, citing exams and essay submission deadlines as reasons. In instances like these, I reminded students that they were free to control the extent to which they participated in the process, as well as the nature of their participation. Their eagerness did reassure me, however, that they took their side of our research agreement seriously and

that these visits also represented their efforts at being accountable. Evidence of this is the fact that after having left the institution upon completion of their postgraduate studies, they kept in touch and voluntarily informed me of their progress and of significant events in their lives through email and telephonic communication, through visits to the institution and *via* Facebook, a social networking site on the internet.

3.6 Data collection

The data collection schedule was “time-unstructured” (Singer & Willett, 2003:9). The research participants submitted their academic writing intermittently whenever they had something to submit. This meant that the number of submissions varied from one student to the next, depending on the assessment practices of their respective disciplines as well as their assessment schedules. This then determined the amount of student writing available for analysis.

3.6.1 Data sources

My study uses multiple methods to access data. These methods, namely, interviewing, reflective writing and textual analysis are informed by the nature of the research questions which I attempt to answer. The study is largely framed around ‘how’, and ‘what’ questions. This implies that the study does not only aim to be descriptive but explanatory as well. Punch (2006: 34) maintains that: “An explanatory study ... sets out to explain and account for the descriptive information. It too is concerned with making complicated things understandable [by] finding the reasons for things, showing why and how they are what they are”. The descriptive aspect of the study was addressed through an argument analysis of the students’ writing and the feedback they received from their lecturers/tutors while the interviews and reflection papers uncovered students’ explanations for the challenges in their writing.

The data collection process needs to address the study's post-structuralist notion of identity which emphasises individuals' shifting perceptions and multiple realities. In the light of this, the multiple methods on which I drew served to achieve triangulation of the data (Stake, 1994; Denzin & Lincoln, 1994; Downward & Mearman, 2005). Triangulation refers to the researcher's attempt to strengthen the credibility of the data through the use of more than one method in the process of data collection. Stake (1994:241) defines triangulation as "a process of using multiple perceptions to clarify meaning, verifying the repeatability of an observation or interpretation". Likewise, Bickman and Rog (1998: xiv) contend that triangulation is necessary in the attempt to attain the generalizability of research findings: "...using multiple methods may also be a strategy used to triangulate a difficult problem from several directions, thus lending additional confidence to the study results". Below, I describe the relationship between the undergraduate and postgraduate data and the role of the undergraduate data in this study.

3.6.2 The undergraduate data

The undergraduate set of data consisted of a portfolio from each student with the following: marked essays from each student collected over the three years of their undergraduate studies; transcripts of five interviews conducted with each student over this period of time, including a focus group interview conducted at the end of their final year in 2004; an interview with two of the students in which they reflected on readings on identity selected by my co-researcher and myself which they had had to read and analyse as part of a Work-Study project. All students produced a written reflection in their final year where they reflected on the changes in their writing practices over the three years. This corpus of data was consulted so as to fully understand and contextualise the shifts and evident practices in the students' postgraduate writing as well as their changing perceptions of self. In addition, this corpus was consulted to assist in explaining success and/or challenges in postgraduate writing as well as the extent to which students invested (Norton, 2000) in their new disciplines.

In the interviews I encouraged the students to refer to their essays in their descriptions of the ways in which undergraduate disciplines and the epistemologies therein shaped their writing practices at postgraduate level. Since students spoke of their undergraduate writing mainly in terms of their majors, especially when describing how these disciplines had contributed in shaping their *habitus*, my references to their undergraduate writing tended to focus on the essays written for these.

3.6.3 The postgraduate data

There were three main sources of data at the postgraduate level. Students submitted their essays with feedback from their lecturers and tutors. In keeping with the idea of induction within the notion of a discourse community, an analysis of lecturers' and tutors' written responses to the students' argumentation was perceived as important. The importance lies in its ability to signal the extent to which the students were able to conform to the discipline's expectations through a successful articulation of their arguments at the levels of move structure and lexico-grammar. Two semi-structured interviews were conducted with each student over the course of the year, one in the first semester and one in the second. Students also wrote reflection papers in which they described their transition into their postgraduate disciplines. In addition to these three data sources, I kept a research journal in which I noted the informal talks I had with the students as well as with colleagues. I also used the journal to reflect on the data collection process and how I attempted to work through some of the challenges I encountered during this process.

I had access to the students' academic transcripts *via* the institution's administrative website, but took the decision not to include these as data sources as I was more interested in the *process* of entering new discourse communities rather than the students' performance in terms of overall percentages at the end of the academic year. While I do, at times, refer to the percentages they were awarded for essays in my analysis

of their writing and often looked to these to facilitate my understanding of markers' comments and perceptions of students' performance, the marks did not significantly contribute toward a realisation of the study's objectives. Accessing the transcripts would only serve to give me an overall percentage for each course which I felt would take me away from the real objective of my research which was to attempt to access the process with all its tensions and contradictions. Below I give a brief description of each source of data along with the framework used for analysis in each case.

3.6.3.1 Academic essays

The marked essays were collected in the first and second semesters of the students' postgraduate year, 2005. These were then photocopied for purposes of analysis. Below is a tabulation of the total number of essays received from each student during their undergraduate and postgraduate studies.

Table 1: A tabulation of undergraduate and postgraduate essay submissions per student

Undergraduate majors and essays submitted (2002-2004)					
Harold	Andrew	Babalwa	Noluthando	Sizwe	Susan
Majors – Psychology & Sociology	Majors – Psychology & Sociology	Majors – Sociology & Political Studies	Majors – Sociology & Political Studies	Majors – Political Studies & Public Admin	Majors – Sociology & Human Resources (HR)
4 essays: 1 Psychology 1 Organisational Psych & Human Resource Management & 2 Language in the Humanities essays	4 essays Psychology 1, Org Psychology & Human Resource Management; 2 Language in the Humanities essays	10 essays: 5 from Sociology and 5 from Political Studies	5 essays: From Political Studies	7 essays: 5 from Political Studies and 2 from History	9 essays: 4 from Sociology and 5 from HR
Postgraduate essays (2005)					

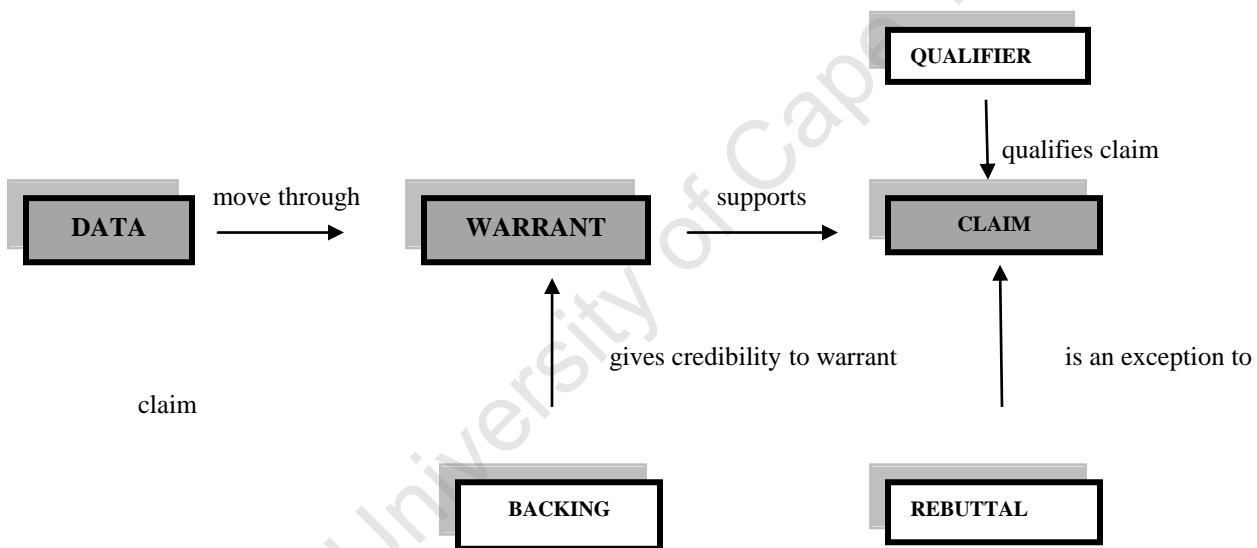
9 essays: 4 Criminal Law PQAs , 3 Crime & Criminology 2 Criminal essays	10 essays: 7 PQAs & 3 Crime & Criminology essays & dissertation	4 essays: 3 Constitutiona 1 Law essays & a case summary	N/A	5 essays: Marketing and Strategic Management case study reports	12 essays: Marketing & Strategic Management case study reports
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The students submitted a total of forty (40) postgraduate essays which I analysed systematically. The analysis of writing provided in the thesis is meant to be illustrative of the range of challenges experienced by the students. Noluthando did not submit any postgraduate writing due to her frustration with the literacy practices of the Law discipline and the marks she was awarded for her essays. The undergraduate writing was considered in terms of contextualising struggles within their postgraduate writing. Below I describe the frameworks of analysis on which I draw in analysing the postgraduate writing, namely, Stephen Toulmin's (1958) argumentation model.

3.6.3.1.1 Toulmin's model of argumentation

Toulmin's model, which is based on jurisprudence, puts forth six characteristics to forming an argument, namely, Grounds or Data, Warrant, Backing, Qualifier, Claim and Rebuttal. At its most basic his model illustrates how the writer arrives at a claim through drawing on a set of established data which are moved through a warrant (s). The warrant then becomes the foundation of the claim, serving to support and strengthen it. More often than not, the warrant requires additional backing. The backing adds to the validity of the warrant and thus to the validity of the claim. The diagram below is an illustration of the ways in which the different elements of argumentation in his model relate to each other. While the data, warrant and claim are essential in all arguments (shaded in figure 1 below), the rebuttal and qualifier are brought in where relevant to consider exceptions to the claim or warrant as the case may be and to indicate the strength of the claim respectively as illustrated below in Figure 1.

Figure 1: The elements of argumentation in Toulmin's model

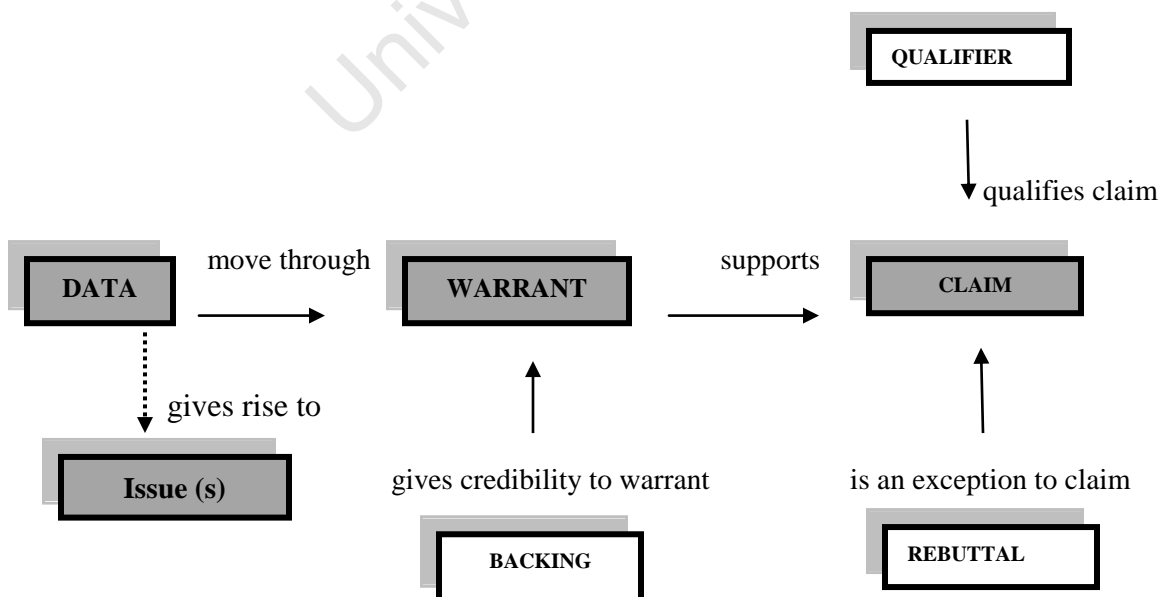


His model assisted me in addressing the issue of how students' undergraduate literacy practices and perceptions manifested in their argument construction in their PQA assignments and written case analyses in Marketing. In the following section I discuss critiques of Toulmin's model with the aim of illustrating how one of these critiques has informed my adaptation of his model.

3.6.3.1.2 Critiques of Toulmin's model

A significant portion of the critiques levelled at Toulmin's model pertain to its treatment of the claim and the data. More specifically, these include its failure to consider potential challenges to the claim (see for example van Eemeren *et al.*, 1987; Leitão, 2001) as well as its unquestioning stance regarding the factualness of the data (see Ramage *et al.* 2009). A critique which I found persuasive, also from Ramage *et al.* (2009), concerns the decontextualised nature of his data. Toulmin's presentation of the data would seem to be decontextualised since it does not account for the issue(s) or questions they raise. To address this, they propose that his model be adapted to include 'issues' as an element. While they propose that this element be located before the Data, I include the 'issues' element to flow *from* the data rather than to precede them (see adaptation below in Figure 2). This is done in an attempt to suit the move structure of the genres on which I focus. Adapting his model in this way allows me to illustrate that the issue or problem is in essence what students are responding to and is therefore what largely informs the direction their argumentation takes. Figure 2 illustrates the way in which I have adapted his model to include 'issues' as an element.

Figure 2: Adaptation of Toulmin's model to include a contextualization of the data



The adapted version of Toulmin's model as illustrated above allows for an explicit representation of the specific issue or problem which the writer attempts to address. Within an academic context the student writer is presented with the data (in the form of information about the business organisation in question in Marketing and the facts of the event or incident under investigation in Law) and is then required to deduce the issue(s) arising from these. This implies that the information which is prioritised as the data are moved through the warrant(s) is informed by the issues as they then determine the nature of the warrant(s) which are ultimately used to support the claim.

3.6.3.1.3 The relevance of Toulmin's model for analysing argumentation within the case genre

Toulmin's (1958) model of argumentation is advocated not only as a model for constructing credible arguments within certain disciplines, but is also utilized as a tool for their analysis (see for example Yeh, 1998). While his model is largely applicable to legal arguments, convincing cases have been made for its applicability to business writing (see Locker & Keene, 1983; Rogers, 1992; Locker, 1995). Rogers specifically discusses the relevance of Toulmin's model for evaluating argument structure in "documents intended to promote or defend specific conclusions or recommendations regarding an action such as a proposal for a new product marketing strategy" (p.5). It is, therefore, a relevant tool with which to analyze my research participants' argumentation processes within the Marketing written case analysis. Due to its focus on the various reasoning moves the writer makes from the data to the claim, the model is able to illustrate those instances where breakdown in reasoning occurs in the process of argument construction. This then assists in highlighting the nature of the challenges experienced by the students in engaging with the various moves. Even though the model is not applicable to the analysis of all forms of arguments produced in the various fields within which the students functioned at both the undergraduate and postgraduate levels, the generic move structure

of the written case analysis and the PQA follow the pattern of argumentation advocated by this model.

Below I illustrate, through a slightly adapted representation of the generic move structure of Law and Business cases as illustrated by Lung (2008), the moves which the student writer negotiates in presenting the claim. Since the structure of the PQA and written case analysis correspond with those of the professional genres they simulate, the generic move structure identified by Lung in Law and Business case reports is applicable to these two genres. The suitability of Toulmin's model for analysing the argument structure of these two genres is also illustrated.

Figure 3: Generic move structure of Law and Business cases: slightly adapted from Lung (2008)

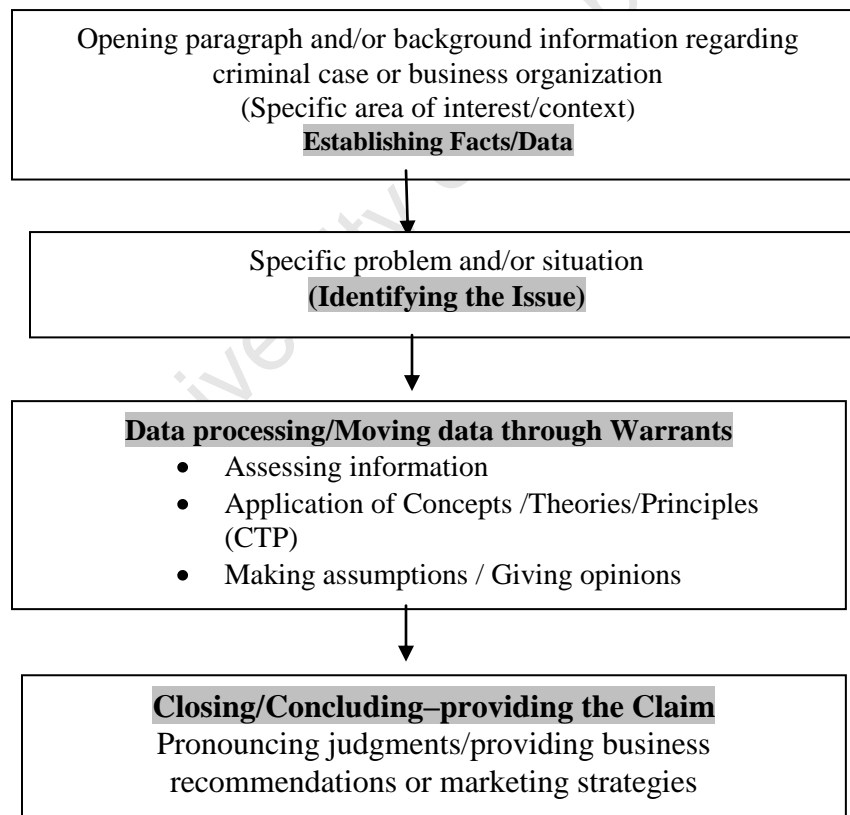


Figure 3 illustrates the moves constituting Law and Business cases. Move 1 establishes the facts/data about the business or criminal case. In move 2, the issue or problem emanating from the data is established. The Data Processing move (move 3) is essentially made up of three sub-moves as outlined in figure 3. Firstly, the relevant information or data presented in move 1 is assessed. These are usually in the form of background information of the company in Marketing or the specificities of the criminal case under review in Criminal Law. The second sub-move, a crucial one in the argumentation process, is the application of the field's concepts, theories and principles (CTP) to the facts/data of the case. Along with the CTP, the relevant 'backing' is provided to support these CTP where necessary. The third sub-move, which is optional, is where opinions, counter-arguments and assumptions regarding the issues of the case are offered. In the Closing move, the insights gained from the data processing move are drawn on to present the claim which comes in the form of a judgment of criminal liability or recommendations or a marketing strategy for a business organization. The interconnectedness of these moves is evident in Forman and Rymer's (1999:107) statement: "... each move, reflecting specific cognitive structures for organizing the text, carries out part of the overall purpose of the genre".

The PQA and written case analysis follow the same moves. The PQA consists of 5 reasoning moves collectively referred to as *FILAC* (**F**acts, **I**ssue, **L**egal principles, **A**pplication of facts to law and **C**onclusion). The student is presented with the established **facts** (data) which he/she uses to determine the legal issues to be considered. More often than not there are a number of issues to consider and the student has to present and discuss them, followed by a brief presentation of the legal principles which are relevant to the issue. In the second last reasoning move the student applies the legal CTP (or warrants in Toulmin's model) to the established facts. Within an academic discipline, these CTP take on the role of warrants as they represent the discipline's body of knowledge and therefore the building blocks of arguments. In the last move, the conclusion, the student uses the information from the previous move to determine the likely outcome for the criminal case. Similarly, in the written case analysis, the student is

presented with facts (data) about the business organization (the company's history, objectives and everyday functioning) and he/she then uses these to identify the problem (s) or issues faced by the organization. In identifying the issue, the student applies frameworks of analysis such as the SWOT (strengths, weaknesses, opportunities, threats) to the facts of the business. The next move, the data processing stage, requires the student to apply the discipline's CTP to the established data so as to provide business recommendations/legal judgment (claims) in the last move, the conclusion.

Toulmin's model not only provided me with a language with which to describe the different reasoning moves in the two genres but also assisted in describing students' challenges in producing the case genre within their disciplines. I draw on the model to establish how reasoning developed from one category to the next and to note instances where it breaks down. To this end, the marker's comments, which reflect the expectations and conventions of the discipline, guided my critical analysis of the texts and subsequent interpretations of the students' challenges with the genres. In the following section, I discuss the centrality of one of these elements, the warrant, in investigating the argument construction processes of disciplinary novices.

3.6.3.1.4 The significance of warrants in argumentation

The significance of warrants in argumentation is evident in Rottenberg's (1997) analysis of the elements of an argument. She makes reference to their ability to reflect the extent to which the writer is able to participate in the culture of the discipline since they represent its theoretical foundation. Along similar lines, Gold *et al.* (2002) underscore the significance of warrants for disciplinary engagement and membership. They argue that warrants "reveal the different social languages and discourses that a person may draw on to justify their claims" (p. 375). Thus, a student's ability to engage appropriately with them in producing a well-constructed argument, and ultimately a valid claim, is a key aspect of their induction into the genres of a new discourse community. This is especially

significant as it displays the extent of the disciplinary novice's awareness of the knowledge shaping the discipline as well as its role in the creation of new knowledge.

3.6.3.1.5 Context in Toulmin's model of argumentation

Toulmin (1958) acknowledges the importance of context in argumentation through his reference to fields of argument. He maintains that "two arguments will be said to belong to the same field when the data and conclusions in each of the two arguments are, respectively, of the same logical type" (p. 14). This means that the nature of the statements and warrants on which one can draw in supporting an argument in Psychology will differ from that of those that can legitimately be utilised in the field of Law. In supporting this assertion he makes the distinction between what he terms "field invariant" forms of arguments and those which are "field-dependent" (p.15). Toulmin suggests that there are aspects of arguments which can be said to be the same across different fields. These are field invariant. Field-dependent features of arguments would therefore vary from one field to the next. The stages or sequence through which one goes in justifying their conclusion is an important aspect of the field discussion as the form that the argument takes will, to a certain extent, depend on the field within which it is generated.

The argument analysis of the students' writing is premised on the above reasoning. The analysis attempts to illustrate the ways in which the differences between the forms of argument within their undergraduate disciplines could be used to explain the challenges they encounter in engaging with the generic move structure of the PQA and written case analysis. In attempting to explain the Marketing students' struggles with the case analysis, I explored the extent to which the students' challenges could be traced to the differences in the argument structures of the business case analysis and the Social Science argumentative essay. I therefore argue for the model's relevance for these two genres while showing how its inapplicability to the forms of argument such as that of the

argumentative essay forms a significant aspect of my analysis of the differences within the disciplines.

Toulmin's notion of argument fields can be seen as having set the stage for research into discipline-specific writing and the ways in which writing contexts delimit ways of arguing and the kinds of evidence one can put forward in supporting arguments (see Geisler, 1994). In doing so, he questioned the autonomous and decontextualised view of literacy. As such, there is a clear relationship to NLS and its focus on the situated nature of writing.

In explaining the processes involved in attempting to gain access to the dominant genres within a discipline, genre theorists have pointed to the importance of not only learning the argument structures of these genres, but also the way in which language is used to convey these argument structures. In order to explore students' critical use of language in presenting their arguments, I analyzed their essays by drawing on Hyland's (1998; 2000) stance and engagement model which I discuss below.

3.6.3.2 An exploration of lexico-grammar in students' argumentation

In exploring lexico-grammar as an aspect of argumentation I consider the relationship between form and function, that is, "the linguistic features of the text that reflect the social context in which it is produced" (McCarthy, 1991:32). My analysis therefore explored students' use of disciplinary language at sentence level. I analyzed their use of modalization, discipline-specific vocabulary (lexis) as well as their use of the rhetorical structures shaping the genres on which I focus.

My analysis of their use of modalization draws on Hyland's (1998, 2000) stance and engagement model in which he explores the ways in which writers express their positions and attitudes to textual information. This is achieved through the use of interpersonal metadiscourse (see chapter two, section 2.4.2. for a detailed definition of metadiscourse). Stance features reflect the writer's position in relation to the content

while engagement features work to signify the reader-writer relationship. Stance features include hedges, boosters, attitude markers and self-mention. Hedges are characterised by Hyland (1998:7) as functioning to “withhold the writer’s full commitment to statements”. Boosters or emphatics, on the other hand, serve to “emphasise force or the writer’s certainty...”. Attitude markers signal the writer’s attitude to the information to which they refer such as “expressing surprise, importance, obligation, agreement as expressed through words such as ‘amazingly’, ‘appropriately’, and ‘importantly’” (Hyland, 2000:113). He describes ‘self-mention’ features as evident in the use of the first person pronoun ‘I’. Engagement features include ‘reader references’, ‘shared knowledge’ and ‘directives’, all of which position readers as “discourse participants” (p. 113). ‘Asides’, which also form part of engagement features, are those statements which are usually bracketed within the text, usually serving as elaboration of information for the reader.

In both the Law and Marketing analyses, I consider the extent to which students’ use of interpersonal metadiscourse features such as boosters, hedges and emphatics reflects an awareness of genre conventions. Since I am not an expert or even actively involved in the disciplines within which my research is located, I had to understand how the disciplines functioned in order to situate students’ understandings and perceptions of these disciplines. To be able to do this I had to familiarize myself with the knowledge-making practices and prevailing discourse features of each discipline. In exploring students’ use of linguistic items, for example, I had to familiarize myself with terms and concepts which are valued in the fields of Law and Business. I was able to do this by looking to the feedback from the markers where they suggested alternatives to the words the students had used as well as research articles on discipline-specific writing where these were listed and discussed (see, for example Beasley, 1993 on legal discourse and Yeung, 2007 on the discourse features of business genres).

3.6.3.3 Interviews

The dominant use of the interview in research on writing attests to its validity for understanding how people negotiate discipline-specific literacy practices (Chin, 1994).

The interviews functioned as a space where the students could reflect on their writing practices in their respective disciplines. The study takes the view that even though two students may be from the same academic discipline they are likely to have different experiences of writing and engaging with knowledge, and ultimately different notions of belonging in that discourse community. The advantage of the interview as a tool of data collection for a research study of this nature lies in its adaptability, where ideas can be followed up, responses probed and motives and feelings investigated (Bell, 1987:91). Moreover, the interview is one of the most effective ways of obtaining a fuller picture of respondents' knowledge, attitudes or beliefs.

However, proponents of the interview also warn of the pitfalls of this method. A number of writers have addressed the problematic nature of using interviews as a methodology in conducting research on writing. Chin (1994:269), for example, addresses the "perils of intrusiveness and artificiality" associated with this method and how this is likely to lead to the respondents supplying false or misleading data. In interpreting the data yielded by the interviews, the study defines 'truth' from a post-structuralist perspective as being 'truth as the informant perceives it' (Burns, 1997: 292). By assuming this position the study acknowledges the 'volatile nature' of data (Leedy, 1980: 20) and treats it as such in the analysis and interpretation. Also, to address this shortcoming of the interview, when I conducted the second interview later on in the year, I revisited most of the questions that I asked in the first interview and noted the ways in which the students' responses to these questions had changed and, importantly, the reasons behind these changes.

Another criticism of the interview has to do with the tendency to foreground the perspective of the participant "without an understanding of the context within which they lead their lives..." which would then give an incomplete picture (Scott & Usher, 1996:70). Since this particular study seeks to explore students' sense of self in the academic writing progress, I approach the concept of identity from a holistic perspective. The nature of my study is such that from the onset it stresses that the contexts in which

the students function cannot afford to be overlooked. In the light of this, students' statements are explained in relation to time and space, as alluded to in Fairclough's (1992) conceptualization of discourse, and how these impinge on students' various identities. Interpretations of their interview statements take into account issues around power, that is, who has power, who does not, and the extent to which the students felt dis/empowered in certain contexts.

The study thus foregrounds how individuals perceive their contexts and how they position themselves in relation to these contexts *alongside* my understanding and interpretation of the workings of these contexts and the power relations within them.

3.6.3.3.1 The interview process

Two face-to-face, semi-structured interviews were conducted with each student over the course of their first postgraduate year. In both interviews, the research participants narrated their individual experiences of being part of new discourses and discourse communities. Each experience proved to be unique and was directly affected by a specific learning environment along with its unique traditions and practices. Below, I describe in detail each interview as well as the nature of the questions I asked. These questions sought to gain insight into the following:

- the reasons behind students' decisions to proceed to postgraduate study,
- students' understandings and perceptions of their new discourse communities in relation to their undergraduate discourse communities,
- their understandings of the discourse practices and values of their new discourse communities, with a specific focus on writing,
- the extent to which they felt they belonged in their new disciplines and reasons behind these feelings, and
- their views on their ESL status and the extent to which they felt this impacted on their writing and progress at the postgraduate level.

a. Interview 1

The first interview, which I conducted in the early stages of the students' transition to postgraduate study in May, focused more on the transition itself. I decided on this time of the year because I assumed that students would have had sufficient time to be able to comment on the cultures of their new learning environments whilst also still being newcomers to the postgraduate context. At this stage, questions that specifically addressed writing practices in the relevant disciplines did feature, but only in the context of addressing broader aspects of how students were handling the transition (see Appendix 1 for the full set of questions). The open-ended questions required them to describe the factors that had led them to graduate, their perceptions of the support structures available to them in the transition process and their interactions with their new lecturers and tutors. I also asked about their ESL status and whether/how it affected their writing at postgraduate level. Due to the semi-structured nature of the interviews, I let the students' responses guide the questions I asked and the extent of my probing.

b. Interview 2

The second interview was conducted towards the end of the second semester in September. In this interview I aimed to focus specifically on the marked essays that the students had submitted. I had e-mailed the students two weeks before the interview, requesting that they select two marked essays which they were willing to discuss. I asked that one of the essays should be one which they considered good, both in terms of marks and how they felt in the process of writing it, and another essay which they had struggled to write or for which they had not obtained a good mark. Interestingly, some students came with essays for which they had not scored high marks and where the tutor comments were not particularly complementary, but which they claimed to have enjoyed writing.

I began the interview by asking general questions on the students' writing practices; questions which specifically addressed issues around disciplinary (see

Appendix 2). I then directed the discussion to the essays selected by each student. This particular stage of the interview entailed a discussion of the marker's feedback, with a specific focus on the feedback that hinted at the writing conventions and 'rules' of argument construction of the discipline. An example of this is of one of the LLB students whose feedback constantly referred to the rules around citation in the Law discipline, an aspect of writing which they found extremely daunting at that stage of their transition. I first asked the students to comment broadly on the essay requirements and the processes involved in constructing their argument. I also guided the interview by asking the students to comment on their markers' feedback. In instances where the student stated that he/she did not understand the feedback, I probed further in an attempt to understand the reasons for the lack of understanding. This interview was more involved than the first one as I also encouraged students to define and describe in detail the jargon of their respective disciplines as I was an outsider. Getting them to provide descriptions and definitions also served to reveal the extent to which they themselves understood the central CTP and the epistemologies shaping these disciplines.

3.6.3.3.2 Interviews with faculty staff members

In the process of conducting a preliminary analysis of the data, I saw the need to interview disciplinary experts who would shed light on the workings of the genres I was analysing. I established contact with two staff members from the Law faculty with the purpose of interviewing them about the different genres their students were required to produce. I informed them that, while the interviews would focus on the literacy practices informing the genre of the PQA, the objective of the interview would be to gain insights into the overall values of the discipline. I also asked for examples of what constituted a well-written PQA. In response to this request, one of the lecturers provided me with copies of students' texts from previous years. I went the same route when I analysed the Marketing students' writing and interviewed two faculty members teaching on the Marketing diploma.

One potential problem which I refer to earlier in the chapter where I discuss validity in qualitative case study research is highlighted by Burman and Parker (1993:157), who refer to "...the power of the analyst to impose meanings upon another's text". This could then affect the reliability of the researcher's interpretation of the text. The solution to this problem lies in what Yin (2004: xv) refers to as the "embedded units of analysis". This is where a case study has not only a main unit of analysis, which is the postgraduate student in this study, but sub-units as well (the lecturers/tutors who provide written feedback on the students' writing). The major conclusions are still about the student and his/her perceptions of writing for a new discourse community at postgraduate level but there are secondary conclusions based on the students' writing and the feedback from the tutors/markers.

In keeping with a critical view of discourse, it is envisaged that the findings of the study would serve to facilitate change at the level of pedagogy. This can be achieved through a process of highlighting some of the ways in which issues of power relations and access to the dominant discourses and genres of the disciplines in question impact on students' learning processes and how these can therefore be addressed and ultimately changed. The feedback from the markers, as well as students' comments on this feedback, served to indicate the nature of the power relations at play.

3.6.3.3.3 Qualitative content analysis

I used qualitative content analysis (Carney, 1972; Krippendorf, 1980) to analyse the interview transcripts. This form of analysis, to be distinguished from mainstream quantitative content analysis, is mainly useful in the analysis of interview transcripts, discourses, videotapes and other types of documents (Mayring, 2000). Content analysis is the "identifying, quantifying, and analysing of specific words, phrases, concepts, or other observable semantic data in a text...with the aim of uncovering some underlying thematic or rhetorical pattern running through these texts" (Huckin, 2004). Holsti (1969:14) defines this methodology "as a technique for making inferences by objectively and

systematically identifying and classifying specified characteristics of messages” (see Burns, 1997 and Blaxter *et al.*, 1996 for similar descriptions).

I selected content analysis as a technique of analysis for the interviews because it explores, among other issues, the frequency of the occurrence of concepts and themes in interviews and other relevant texts (Carney, 1972:24). Since this study aims to compare the students’ change trajectories, using content analysis assisted me in realising this objective as I was able to explore whether there were common themes across the different interviews and how frequently they appeared. In exploring these themes I sought to understand the reasons behind them and the extent to which these signalled shared experiences and perceptions of the transition.

Stage one

In the interpretation and analysis of the interview transcripts I came up with a coding frame by classifying the data under themes as they emerged in the interview transcripts (Burns, 1997; Mayring, 2000). Coding is “the conversion of verbatim answers to categorized data” (Krippendorf, 1980:122). I then classified the emerging themes under tentative categories. Conducting a thematic analysis of the data worked to my advantage in two ways: firstly, I was able to get a sense of the issues that were pertinent to the transition experiences of the students and was therefore ‘on the lookout’ for these themes in the other transcripts. The categories that I came up with also enabled me to “tease out the meaning of [the] findings” that emanated from the interview transcripts (Ely *et al.*, 1991:150) and to start coming up with provisional answers to some of my research questions. A good example was the resurfacing of the ‘alienation’ theme in the transcripts of the Law students where they described the faculty. I could therefore conclude at this stage of my analysis that one of the factors that I needed to be aware of in my analysis of the students’ transition to postgraduate study was the effect of the academic environment on this process. This meant that I could then, at a later stage of analysis, explore the extent to which ‘alienating environment’ as a category could have

impacted on their writing strategies and overall engagement with the postgraduate learning environment.

Stage two

After coding the data into themes and thereafter into categories, I looked for links and relationships across themes and connections between the categories (Blaxter *et al.*, 1996). The analysis and interpretation of the interviews were made richer by the fact that I had access to data on the students' educational backgrounds, namely, the high schools they had attended as well as their class backgrounds. Having access to this corpus of data assisted in explaining the similarities and dissimilarities in students' perceptions that emerged in the interview transcripts as a whole. In earlier sections where I discuss case study research and the contradictory nature of perceptions, I emphasise that any contradictions, silences or anomalies were treated as constituting a significant part of the data. Based on this, I actively sought to understand how these could potentially shed light on emerging issues.

3.6.3.4 Reflective writing

Reflective writing is increasingly being recognized as a valid data source within qualitative research (see Jasper, 2005). In essence, reflective writing involves a personal analysis of one's feelings, emotions and description of a specific experience. Its value as a research method lies in its ability to provide students the opportunity to reflect critically on their writing processes (Scott, 2005). The importance of reflective writing for a study of this nature lies mainly in its ability to illuminate an individual's expectations and perceptions of their engagement with the literacy practices of a discipline. Equally important is the space it affords writers to reflect on personal growth and development in their writing.

In an attempt to supplement the data yielded by the interviews, I asked the students to produce a written reflection of their experiences of postgraduate study with a focus on their writing practices. The students produced their individual reflection papers

in the second semester, when I felt that they had had sufficient exposure to postgraduate life in general as well as to the writing practices of their respective disciplines. I facilitated this exercise by e-mailing the students to explain the reflection process, and attached a broad set of questions (see Appendix 3 for reflection questions and Appendix 4 for questions guiding the reflection paper written in the final undergraduate year). The questions focused on their respective disciplinary practices and how these impacted on their postgraduate writing. However, some questions also required the research participants to reflect on the following: their identities as postgraduate students, the factors that encouraged progress (having passed their undergraduate studies) and what they perceived as challenges in the postgraduate year. The final question sought to explore the extent to which they felt a sense of belonging in their new disciplines. Each question required that students elaborate on their responses by providing examples from their writing where relevant. The overall objective of the reflection exercise was to provide them with the space to reflect on their academic progress and their writing practices while also taking into account any affective factors in their transition to postgraduate studies.

I assured them that the questions were not meant to restrict their reflection but were merely meant to guide the process. This meant that they could reflect on anything else that they thought was significant enough to be included in their responses. I gave them two weeks to respond in writing to the questions. In asking the students to reflect on their writing practices, I also planned to compare their perceptions of their writing to the markers' analyses of their writing practices. At this stage it is important to emphasize that the markers' comments were, in no way, used to question students' interpretations, but were considered for the purpose of gaining an understanding of the discipline's literacy practices.

3.7 Identity and power in the research process: issues around reflexivity

Post-structuralist research emphasises the reflexive nature of the research process. Reflexivity refers to a researcher's conscious awareness of how his or her subjectivity has

the potential to impact on the research process (Usher, 1996). Here, the researcher is seen as operating *in relation* to others (the researched) rather than as a separate entity.

Moreover, the identities of the researcher, as well as his or her personal interests, are perceived as being central to the way the research is conducted (Creswell, 2009). This extends to how the researcher views and interprets the data. Scott and Usher (1996:32) point to the need for reflexivity in the following way:

As researchers we all have an individual trajectory which shapes the research we do, the questions we ask and the way we do it. But as researchers we are also socio-culturally located, we have a social autobiography, and this has an equally if not more important part to play in shaping our research and directing the kinds of reflexive questions which need to be asked but rarely are.

There were two aspects of my identity about which I felt I needed to be reflexive. The first concerned my identity as a second language speaker of English. The process of interviewing the students on the challenges that they faced in their new disciplines entailed asking questions on whether they felt that their identities as second language speakers did in any way contribute to their challenges. In the course of analysing the interview transcripts I had to be reflexive about the extent to which my identity as an English second-language speaker could have potentially shaped the ways in which I ‘read’ and interpreted the data and how my research participants responded to me in the interview space.

I was particularly aware that my identity as a Black person, did, to a certain extent, also have the potential to influence the nature of data that was yielded by the Black research participants. An example of this was in one of the interviews I conducted with one of the LLB students, where she offered her perceptions of the Law faculty and the power dynamics within it. In this particular interview, she constantly made reference to the low number of Black South African students in the faculty. She spoke in a forthcoming manner of the challenges that Black students encounter due to their ESL status, implying that the faculty was stricter on Black students. She emphasised the same point again in her reflection paper. In one instance I asked whether she preferred that I

switch off the tape recorder or whether I could include that piece of information as data. She stated that she did not mind either way, but at the end of the interview did express concern at the idea of ‘someone else’ gaining access to the interview transcript. I reminded her of the confidentiality clause on the form that she had signed and reassured her that her anonymity would be ensured at all times.

In my analysis of the interviews I had to ‘sift’ through the data, making decisions on what would count as data. In doing this, I acknowledged that as a researcher, I was not value-free but had beliefs, judgements, experiences which I brought to the research site (Probert, 2006). So, although I was guided by the analytical frameworks discussed in this chapter in the analysis and interpretation of the data, I acknowledge that a qualitative study of this nature will undoubtedly be influenced by my subjective position (Riley *et al*, 2003) of Black researcher. This subjective position partly makes up what Palmeri (2004:43) calls the researcher’s “embodied social positioning.” In order to address this, I attempted to get the students to give feedback on my interpretations (see Cooper & Burnett, 2006). Upon completion of the thesis, I emailed the data analysis chapters to the participants who had working email addresses so that they could provide feedback on how they are represented in the study. They did not provide any feedback to the chapters I had sent, even though two of them did contact me to update me on how they respective careers were progressing.

Power dynamics were also brought to the fore by the disclosure of certain information in the interviews, for example the information about Black students in the Law faculty. Kvale (2006: 480) questions the dominant perception of the interview as “a democratic emancipating form of social research” and instead characterises it as “a one-way dialogue, an instrumental and indirect conversation, where the interviewer upholds a monopoly of interpretation” (p. 484). He further asserts that the researcher and subject might disagree over the true interpretation of what was said in the interview. Even though I do not fully agree with Kvale’s (2006) characterisation of the interview process,

I do acknowledge the fact that the ultimate interpretation of the information disclosed by the students was, to a certain extent, my own.

At this point it is important to note that this reflexive process which I describe above extended to my research questions. In the data analysis process I gained insights into the research study as a whole which enabled me to refine my research questions, as well as the focus of my analysis so that they reflected the objectives of my study more adequately. Yin (2009:35) addresses the need for exercising flexibility and being adaptive when conducting case study research as the boundaries of the study are often “fuzzy”. It was through being reflexive that I was able to note the ways in which the boundaries of my research could be extended to include factors which had not formed part of my initial conceptualization. This reflexivity also resulted in the foregrounding of some concepts more than others and using them as a theoretical framework around which data analysis occurred. An example of this is reflected in the following extract from my journal:

Interviewed [Harold] and [Andrew] today. Their interviews made me realise how central the concept of a ‘discourse community’ is to their transition. They both constantly referred to their undergraduate disciplinary identities as they attempt to argue in their new discipline of Criminology which has made me consider the relevance of the concept for the study.

This reflexivity then resulted in me framing my analysis of their transition into postgraduate studies more around this concept. Another issue that I needed to be reflexive about had to do with the nature of data provided by the research participants and more importantly, the intentions behind providing it. In an earlier section of this chapter I describe how some of my research participants kept in touch and often communicated with me outside of the designated data collection spaces. I often wondered how to treat the information they relayed to me in these instances. Were the students aware that when they spoke to me, they were providing potential data? Did they perceive their interactions with me as contributions to the research process or as a therapeutic relationship within which they could share aspects of personal, and in some cases, highly confidential events in their lives? Even though the answers to these questions are not readily available, being

aware of them meant that I was in a position to take them into consideration in the analysis of the data. Reflecting on these questions also highlighted the precarious nature of the close relationships fostered by this method of research and that one cannot be clinical about the human connections forged in the research process.

3.8 Conclusion

In this chapter I have described the design of the study and argued for the value of framing it within a qualitative framework. The use of Toulmin's (1958) model of argumentation for analysis was also justified. Due to the study's valuing of the student perspective, the chapter has also outlined the efficacy of the interview as a research tool and its value in engaging student writers in a discussion of their literacy practices. In attempting to reconcile the study's methodology with its research questions, some of the shortcomings of the methods used, as well as the ways in which the study attempts to attend to these, have been discussed. In the next two chapters, the data from the Law and Marketing students are presented and analysed.

Chapter 4: The transition into Law

4.1 Introduction

This chapter focuses on the four students who registered for postgraduate degrees in the Law faculty: Andrew, Harold, Babalwa and Noluthando. It considers their transition into postgraduate discourse communities in terms of their engagement with the culture of the new environment and the dominant genres therein. The ways in which the students situated the literacy practices they brought with them from their undergraduate disciplines is an important aspect of the analysis. In considering this, the reasons they put forward in explaining the challenges they encountered in the transition process presents a starting point from which to analyze their argumentation, as well as their sense of self in the writing process.

Based on the above, my analysis in both chapters is guided by the following research sub-questions:

- How do ESL postgraduate students in transition view the literacy practices they bring with them from their undergraduate studies in relation to those within their new disciplines?
- In what ways do they perceive these as contributing to the challenges they encounter in producing the dominant genres at the postgraduate level?
- In what ways do these perceptions manifest in their use of discourse at the level of the generic move structure of these genres?
- To what extent does having English as a second language affect their use of the language of the discipline and the lexico-grammatical devices shaping these genres?

- In what ways do the transition process and ‘choices’ available to students impact on the construction of a disciplinary self at the postgraduate level?

In order to contextualise students’ challenges with producing the PQA, part one of this chapter gives an account of their perceptions of the ways in which the literacy practices they brought with them from their undergraduate disciplines positioned them in their new disciplines. As the data show, this positioning had implications for their argument construction. The explanations they gave indicated that their struggles were not only at the level of form where they attempted to negotiate the generic move structure of the PQA, but extended to a struggle with reconciling the epistemology of the law discipline with that of their majors, Sociology and Psychology. The analysis of their writing in part two then draws on these explanations in pinpointing the exact nature of these challenges, and the ways in which they manifest in their argumentation.

PART ONE

4.2 The research contexts

The four students graduated with Bachelor of Social Science degrees from the Humanities in 2004. They all managed to graduate within three years, which is significant when one considers that the average percent for completion of the undergraduate degree within three years for mainstream students is 62 percent (see Teaching and Learning Report, 2009). After graduating, Harold and Andrew registered for Honours in Criminal Justice in 2005 while Babalwa and Noluthando registered for the three-year postgraduate LLB degree.

4.2.1 The Honours degree in Criminal Justice

The Social Science Honours in Criminal Justice degree is offered as part of an interdisciplinary programme which is specifically geared at students who graduate from the Humanities faculty. Entrance requirements differ across disciplines, but entrance is

generally on merit. The official website states that in order to be able to register for the programme, students are required to be in possession “of a sound Humanities undergraduate qualification” (see Graduate School of Humanities/GSH website). The programme was introduced in 2003 and was therefore relatively new when the students registered. While it is offered as a Humanities degree within the GSH, most of its courses are situated within the Law faculty’s Department of Criminal Justice and cater mainly for students who are interested in crime prevention and criminal justice. In 2005 it comprised four courses; ‘*Interdisciplinary Research Methods*’ offered by the GSH, with ‘*Crime and Criminology*’, ‘*Criminal Procedure*’ and ‘*Criminal Law*’ all administered in the Law faculty. Since 2007, the degree’s curriculum has been restructured by amalgamating the law modules *Criminal Law* and *Criminal Procedure* to form one course, *Criminal Justice Process*.

In 2005, students were required to attend Criminal Law lectures with fourth-year, mainstream LLB students. There were three main tutorials per semester which added up to a total of six for the academic year. They also attended ‘special’ tutorials which were set up with the objective of introducing students without a law background to legal concepts and principles.

In the main tutorials, students were given problem questions which focus on a particular aspect of the law along with the relevant reading in the form of cases which they are required to read in order to answer the problem questions. These cases were then discussed in the tutorials. All students were then required to submit a mini-dissertation at the end of the academic year. Upon completion of the coursework, students graduate with an Honours degree, with an option to proceed to register for a Masters in Criminology if they fulfill the entrance requirements.

The programme’s main genres include the PQA. I discuss the genre in detail in section 4.5.2. Within the Crime and Criminology module, students were required to consider a range of sources of crime information such as victim crime surveys and self-report studies. They then had to assess the methodological strengths and weaknesses of

each tool used within these surveys and studies. The writing submitted by the students for this module included book reviews in which they explored criminological debates on crime.

4.2.2 The Bachelor of Laws (LLB) degree

There are three different streams through which students can access the LLB degree in the Law faculty. Historically, the degree has been offered as a three-year postgraduate degree for which students could register after obtaining their undergraduate degree. This is the route that Babalwa and Noluthando took. The other stream, which is referred to as the accelerated stream, came about with the introduction of accelerated programmes. This stream consists of high achievers from the Humanities and Commerce faculties who obtain permission to register for law courses in the final two years of their undergraduate studies. They then register for another two years of postgraduate studies in the Law faculty to complete their LLB degrees. The third stream, that of the undergraduate LLB degree, came about in 1999 when the Department of Education, in a bid to facilitate access to the Law faculty for Black South African students, instructed institutions to introduce a four-year LLB degree which would reduce the duration and cost of tertiary education.

Undergraduate and postgraduate students register for and attend the same lectures, with the exception of the non-Law courses. These comprise mainly Humanities courses, which only the undergraduate students are required to do in the first and second years of the degree. The dominant teaching paradigm in the Law faculty is the problem-based approach, with many law schools employing the problem method as a technique for teaching problem-solving skills (see Lumina, 2005). These skills are mainly taught *via* the genre of the PQA. The other dominant genre is the legal essay where typical assignments require students to engage with significant legal issues and debates in society. The case summary, which is seen as preparing the student for producing the problem question answer, is only produced in the first year of the degree. In producing

this genre the student is required to read a case /judgement and to summarise the judge's reasoning.

In order to understand the students' various responses to their new learning environments and to the genres therein I needed to access the reasons behind their decision to register for postgraduate studies. These are discussed in the next section along with their biographies.

4.3 Students' biographies and motivations for registering for postgraduate studies

4.3.1 The Criminology students

In the first interview, which was conducted in May, I questioned students on the reasons behind their decision to register for postgraduate studies. The statement below from Andrew is a response to the following question: *Now that you have graduated, how do you feel about being a postgraduate student?*

You know I was actually talking to [Harold] when we graduated and I was telling him that I don't feel it, I don't feel different, I don't feel any different from the undergrads. And I asked him the question: do you think that people look at us as postgrads? Because sometimes I look at certain people and can see an undergraduate person and you come across with this sophistication look. But then I sometimes look at myself and do I somehow bring that across to people? Do people actually see that, do they know that I actually have a degree? [PG interview 1, 2005. See Appendix 5 for full transcript of Andrew's first postgraduate interview].

Andrew's family circumstances remained a constant motivating factor in his undergraduate years, as he wanted to rise above the poverty, gangsterism and drugs that characterise the area in which he grew up. He made reference to this in explaining his decision to study further:

One other thing which inspired me was that I wanted recognition you know, I wanted to break off from where I come from. I wanted to break off those chains that have been attached to me, eh, to have something at the end that I can achieve irrespective of where I come from, irrespective of who I am, irrespective of the situations I have been faced with. Reality has shown me different things and stuff but I've come so far ... and I've been able to achieve, you know. I set goals and I achieve. Despite the circumstances that you are faced with but the reality is that you want to be something [PG interview 1, 2005].

Andrew's first year at the institution was marked by feelings of alienation from students from his Coloured racial background, anxiety about his studies which he linked to having Afrikaans as a home language, as well as a deep-seated fear of failure. He found acceptance and support from structures such as the His People¹ church, and from his African classmates who were also registered for the first-year academic literacy course.

An interesting detail about Andrew in his undergraduate years was his relationship with the discipline of Psychology and the extent to which he was determined to continue with it after graduating. In his first undergraduate year he registered for Social Work in order to gain entry into Psychology after not having met its competitive entrance requirements. In his second year, he did not continue with Social Work, replacing it with Statistics 101 instead, a requisite module for students intending to register for Psychology. When asked in an interview in his second year whether he enjoyed Social Work, he stated, 'It was enjoyable but Psychology was my main interest' (UG interview 3, 2003). His determination to proceed with Psychology after graduating was so strong that, in his second year interview, he spoke of how he would consider moving to another institution if he could not register for Honours in Psychology at UCT.

¹ This is a charismatic Christian movement which was established in South Africa in 1992. The church attracts a significant following among the youth due to its contemporary worship style and the youth groups which constitute an integral part of its activities.

As his undergraduate studies progressed, Andrew's interviews reflected how he was gaining confidence in himself and in his abilities as a Humanities student. His identity as a Psychology student became increasingly important to him over time. This is reflected in the following statement which he wrote in his undergraduate reflection paper:

"I have come to realise over these past three years that it is one thing to be in a discipline and another 'to be' the discipline. And each day I find more and more evidence within myself that I am at that point where I moved from being in my discipline to where I am my discipline. This is evident in my speech, thought, and in the ways I approach things; whether in an academic context or informal setting" (Reflection paper, 2004).

Both his undergraduate and postgraduate interviews reflect the extent to which his decision to register for postgraduate studies was heavily influenced by the need to prove he could succeed despite the challenges brought about by his working-class background, as well as his attempts to realise his dream of ultimately studying for an Honours degree in Psychology.

Andrew's best friend, Harold, had slightly different reasons for continuing with his studies after graduating. His decision to register for postgraduate studies was based on what he vaguely described as the need to "finish what I had started" (PG interview 1, 2005). At the beginning of his first postgraduate interview he elaborated on his reasoning in the following way: "I felt it's not done until I ... I just had this vision, and I thought that if I just go out there, if I went out there to get the money first without my Honours, feel the money and be able to afford, I'll lose the initial touch, that thing of what university is all about".

Like Andrew, Harold originated from a working class background and like Andrew, was the first in his family to register for a tertiary qualification. He identified Afrikaans as his home language even though his family members speak both English and Afrikaans equally. He attended a government school which had been designated for

Coloured students under Apartheid, and where the majority of students remained largely Coloured. The driving force behind Harold's commitment to his studies in high school was the need to motivate his younger brother, "to prove to my brother that you can, you know, make it into university if you work hard" (UG Interview 1, 2002). Originally from the province of Kwazulu Natal, he came to Cape Town to register for a Bachelor of Arts degree but changed his registration to a Bachelor of Social Science in his second year, where, like Andrew, he majored in Psychology and Sociology. His investment in Psychology was evident in a statement he wrote in his undergraduate reflection paper: "Personally I have found that I score better in my Psychology essays due to the fact that I see myself becoming a Clinical Psychologist in the end and I therefore put more work and emphasis in that course" [UG reflection paper, 2004].

At the end of his second interview in September of 2002, a question on whether there was pressure from home to succeed drew the following response, "Hardly, it's from me, not from them". This was evident throughout his undergraduate years as he worked diligently, notwithstanding a tough course load in his second year. His decision to join the His People church along with Andrew resulted in what he referred to as a "drastic change" in his life: "[I have changed] very much. I have learnt a lot, my perception has changed about life. I've become religious. ... Since last year, but mainly this year. Last year too but I was still doing some stuff. This year I've changed completely, I'm more compassionate and totally changed, a drastic change, everything has changed" (UG interview 3, 2003).

In the interview, he spoke of how he appreciated the church for its focus on students' well-being as well as its welcoming nature. He also spoke of how it was particularly appealing as it did not enforce the strict rules that were evident in other churches. A number of the students who participated in the undergraduate study attended the student services which were held on campus. For some, the church offered significant support during stressful and traumatic events in their lives. Harold viewed his success in

his undergraduate studies as being the culmination of three years of hard work in the midst of personal and academic challenges:

Last year I was still trying to find my ground. I had lots of difficulties and I was still trying to find where I belong and what it is that I wanted to do and all that. This year I'm very goal-oriented. So I have worked hard these past years but more so now. I don't know, maybe it has to do with the fact that I have to graduate. I see it that I'm coming to the end now and in order to score high marks and things like that I just need to work really hard and I think I really have [UG interview 4, 2004].

Upon graduating in 2004 with majors in Psychology and Sociology, and not having qualified for Honours in Psychology, Andrew and Harold took the joint decision to register for Honours in Criminal Justice. In the reflection paper they wrote just before they graduated, the two students described how their passion for Psychology had led to an interest in Criminology. Andrew explained this in the following way in his postgraduate interview: '... so getting a degree in Criminology is going to allow [us] to go back into the original discipline [we] wanted to do. Despite the law courses - the core law courses – the programme is interesting because I can do my research focus, that's the nicest thing about it. I'm able to do that and stuff, but it's also very demanding' (PG interview 1, 2005). Harold echoed Andrew's words in his interview:

I was planning to do a postgraduate degree in Psychology and within Psycho, I wanted Forensic Psychology, uhm, then someone said I can do Criminology because there's no Forensic Psychology in South Africa. I thought okay it would be something interesting it would give me a criminology background into the whole thing which would then put me at an advantage when I do my Psychology later.

Both students managed to graduate with Honours degrees at the end of the year after having submitted their mini-dissertations. Andrew went on to register for a Masters in Clinical Psychology at another institution. At the time of completing this thesis, he was practising as a clinical psychologist in his home town and studying towards a PhD in Psychology.

4.3.2 The LLB students

The other two students, Noluthando and Babalwa, both registered for the three-year postgraduate LLB degree after having graduated from the Humanities with Bachelor of Social Science degrees. Noluthando, a multilingual Setswana speaker, was raised by her Xhosa grandmother in the Northern Cape. Her father was a businessman and her mother a domestic worker. She did most of her schooling at a relatively well-resourced, private Catholic school in the area. While the learners at the school were Black, the majority of the teachers were White, described by Noluthando as being of German and Irish descent. All the subjects were taught in English except for SeTswana, which she studied as a first language. After matriculating, she was persuaded by a friend to apply to the institution. Noluthando's initial months were marked by frustration as she had intended to register for the LLB degree in her first year but was not accepted into the Law faculty due to her marks:

When I came here I thought that I was going to be introduced to law in my first year of study. Then to my surprise I learnt I had to get 60% to get to the Law faculty. They did not accept me for the BA Law; they accepted me for the general BA. I did not come here to study social sciences [UG interview 1, 2002].

Her frustration with the institution extended to how she perceived institutional culture. In her second first-year undergraduate interview, in response to a question on how she perceived the culture of the institution, she expressed her disapproval at what she referred to as its "White culture". She spoke of the impact of this White culture on students' language attitudes, and how this resulted in Black students shunning their home languages in favour of English, even in informal social contexts:

I find the culture somehow White. Even some Black people that are here are so White I don't understand. I remember there was a time when we were walking with this other girl and we were laughing at the top of our voices. This girl said,

“Stop being so Black”. I said “what!” because she is a Xhosa and I was so shocked. It’s White and you don’t get to speak your language very easily here. Everybody speaks English because everyone else speaks English” [UG interview 2, 2002] (see Bangeni & Kapp, 2007 for a detailed description of the shifts which occurred in students’ language attitudes in their undergraduate years).

Like the other students participating in the undergraduate study, she also struggled with the clearly visible class differences among the student population. She did, however, state at the end of the interview that she was adapting to being in the Humanities faculty and acknowledged the value of the Social Sciences courses she was studying. She majored in Political Studies, which she thoroughly enjoyed. Below, she explains her reason to register for postgraduate studies:

I always wanted to do Law especially when I was applying at first year. And then I was accepted in the Humanities and I didn’t want to do it but then I thought it was quite okay because it was the first year. I was just going to get a certain percent and go on [to Law] but then I didn’t. I couldn’t get the required 60 percent. So, I continued with Politics. I was like, I would come back and after grad I would do Law. So here I am now [PG interview 1, 2005].

The decision to study Law was strongly influenced by her grandfather who was a lawyer by profession. Her entry into the Law faculty, however, was not what she expected it would be. Her postgraduate status seemed to bring with it pressure which was largely due to family expectations. This was evident in how she described her family’s reaction to the fact that she had graduated and was now a registered student in the faculty: “My dad is telling everyone that I’m a Law student and my mother is telling everyone that I’m a Law student and my uncles are doing the same and telling people the same. It creates expectations too, so much pressure” [PG interview 1, 2005].

Like Andrew she was, at this point, attempting to make sense of her disciplinary identity and the implications of this for her writing:

It [being a postgraduate student] feels good, but on the other hand postgrad is tough. I thought it was going to be easier but it's tough. It's not easy. Oh well, probably it's the specific field that I'm in. I'm trying to fit in but for now I'm just floating. I'm kind of floating I don't know whether I know or I don't know. I know I can write but then writing in this context, the kind of writing here just puts me in a very awkward position [PG interview 1, 2005].

Her postgraduate interviews were characterised by a deep anger and resentment at her new discipline, as the data presented in this chapter will show. It was this anger and resentment which resulted in her not submitting any of her postgraduate writing for this study. In her second interview she claimed that she was deeply dissatisfied with her marks and had, as a result, torn up most of her marked essays. She left the institution after having failed her first LLB year.

Babalwa's reasons for making the decision to proceed to postgraduate studies after graduating were similar to Noluthando's in that she also had aspirations to study Law in her first year. However, she also did not have the required points and like most of the students who fail to meet the entrance requirements, took the decision to access Law *via* the Humanities. Babalwa grew up in a township in the Western Cape. She stayed with her grandfather and some members of her extended family and attended a township school where she did her primary education through the medium of Xhosa. She only encountered English as the language of learning at the high school she attended; a relatively well-resourced school attended by Black and Coloured learners which is situated closer to the city. Later, her family moved to a residential area which was, according to her, predominantly Black and middle-class. In her first interview with me she was not forthcoming about the factors that influenced her to apply to the institution, simply stating that she thought "it was the best option" (UG interview 1, 2002). However, she initially seemed to regret this decision as she found the environment markedly different from her schooling environment. She also expressed concern at "that strange

critical analysis thing” as well as the assessment methods: “the way they mark here is so strange” (UG interview 1, 2002).

Over time she came to appreciate studying in the Humanities and selected Political Studies and Sociology as her majors. The reflection paper that she wrote in her third year in 2004 was very insightful and aptly captured her academic journey as well as what she perceived as significant changes in her academic persona (see Appendix 6 for Babalwa’s full reflection paper). Her trajectory in the course of her undergraduate studies initially saw her questioning the epistemological foundations of her disciplines, especially Philosophy. In this reflection paper she wrote: “I am frustrated that here in the Humanities there is no right answer”. She made the same comment in her second first-year interview which took place in the second semester in September:

It’s like when you say something you think you’re right about it, you think you’re rational, you think you’re sure you know it and when someone questions you in a philosophical way it really frustrates me. The reason is you can’t really find an actual answer. You have to play with the idea, argue all day, and if you do it in a philosophical way you can’t say this is theory. There is nothing concrete. There is no concrete answer as compared to mathematics and science; you have to think all the time [UG interview 2, 2002].

However, she ultimately came to appreciate this as it allowed her to see that there were alternative ways of viewing contentious issues as far as culture and religion were concerned. This empowered her to challenge values and traditions which she perceived as sexist within her community and church practices. Her reflection paper was particularly interesting in how she described her growth from her first year through to her third:

As from second year I forced myself to just get used to the way of thinking as an adult and a tertiary level student and just adapt. It was not easy but much better than first year because I already knew the do’s and don’ts. Therefore I also learnt how to balance my academic and social life. I would not label myself as a

successful third year student or a good essay writer because everyday I try to improve my writing... I am a hard-worker and each assignment that I have been assigned for I take it as a challenge, as a way of expanding my horizons, broadening my knowledge and independent thought [UG Reflection paper, 2004].

In response to a question that asked whether students thought they were good writers she wrote:

That is debatable. I myself have not reach a stage whereby I feel I can publish a book or research paper of my own. This is hopefully my final year as a Politics major, so far I have been getting upper-second class to first class for my essays – I hope that this is a good sign for graduating this December 2004. In terms of answering essay questions I feel I am more confident, more focused, I know what my final product will be like, I even visualise it. I am establishing my own writing at the moment – I am still an undergraduate. Despite all of my embarrassing writing experiences here in this institution I realise that I am certainly in the process of being a good writer [UG reflection paper, 2004].

Even though she was very optimistic about studying Law, the data from Babalwa's postgraduate interviews and reflection paper reveal how she struggled with the discipline. Like Noluthando, she did not proceed with her LLB degree after having failed her first year. After leaving the institution she informed me that she planned to continue studying for her LLB degree at a well-established distance education institution. She managed to register but did not complete the degree as she was appointed as a junior researcher at a reputable research institution. In time, her interests would take a different route, with her ultimately graduating with an Honours degree in Sustainable Development in 2010. When she informed me of this achievement she had not lost sight of her initial objective as she still planned to complete her LLB degree as soon as she found the time and financial support to do so.

This section has illustrated the ways in which the students' trajectories from undergraduate studies into their postgraduate disciplines were characterised by a

significant amount of strategising. The ‘choices’ which they made, therefore, were, to a significant extent, dictated by shortcomings in academic performance as they were unable to access their first choice of degree due to not having attained the required averages. The next section illustrates the ways in which these ‘choices’ play out in their negotiation of the postgraduate domain. In doing so, it also describes the various ways in which the students perceive their positions therein as they attempt to make sense of the implications of these ‘choices’.

4.4 Students’ perceptions of the postgraduate environment

The students’ analyses of the postgraduate domain were not restricted to their immediate learning environments or the knowledge shaping these learning environments but extended to include accounts of the physical spaces which they occupied. These accounts included comments on the symbolic implications of the paths they had chosen. The Law faculty was described by the students as very competitive with Noluthando using adjectives such as “snobbish”, “competitive”, “White male dominated”, and “stuck- up” in her first interview with me [PG interview 1, 2005]. This description is significant in that it is similar to her initial description of the institution in her first year in the Humanities, with the underlying sentiment being that the Law faculty similarly served to position her as outsider. Indeed, her description of the faculty as White and male dominated is evident in its dean’s office with its row of portraits depicting past deans and influential people in the faculty. In an interview with one of the Law lecturers, he mentioned how, at the beginning of each academic year, he takes his mostly Black students down to the dean’s suite to look at the portraits in the hope that this will inspire them to change the look of the faculty.

Noluthando’s description of the domain of professional Law as “a very elitist and blood-thirsty career” was backed by accounts of power-dressing among students, particularly during visits from recruitment agencies. She also referred to what she perceived as high drop-out rates in the faculty:

The Law Faculty is very harsh; people drop out. In the first semester, a whole lot of people drop out. The pressure! There's too much pressure. At the beginning of the year you can feel it and people sometimes can't handle it. In the Law Faculty, the majority of students there are from top notch schools. It therefore assumes that everybody is on top of things.

Her perceptions of the Law environment were echoed by one of the Law lecturers who maintained that, for him personally, what largely characterises the faculty's institutional culture are the kinds of metaphors used by faculty staff members. An example he gave was that of the 'sink or swim' metaphor which teaching staff used when referring to their expectations of the students they teach, implying that these students would have to keep up with the standards of the faculty or they would get left behind. Greenbaum's (2004) study of South African legal academics' perceptions of the quality of their students' writing also revealed how most of them possessed this "sink or swim" mentality, stating that "no one ever taught us legal writing" (p.7). The assumption here is that the students they teach should, likewise, possess the relevant skills when they enter Law school. This assumption is reflected on the faculty website. The institution's LLB website states: "Students who have done a full degree in another discipline will have had the greatest opportunity to develop their critical and analytical skills in a non-legal environment, and therefore to be equipped to benefit from legal studies" (LLB website). The faculty perception seems to be that students coming into the field will be in a position to engage with the literacy demands within Law by virtue of them having an undergraduate qualification.

In her descriptions of the faculty, Noluthando also made reference to the low percentage of Black ESL graduates: "It's very difficult for Black people who have English as a second language to graduate in the Law faculty, it's very difficult" (PG interview 1, 2005). Noluthando's statement is similar to a comment that Babalwa made in her postgraduate reflection paper where she commented on the racial profile of the faculty to emphasise her view that gaining access to the faculty was difficult for Black South African students. To support her point, Babalwa pointed out that most of the Black

students in the Law faculty were from the Southern African Community Development (SADC) countries:

The Law academic community is still “White male dominated” and in our faculty there are few Black students studying law that are South Africans. More than 60% are White students and the remaining are international and SADC students and less than 5% are South Africans ... [PG reflection paper, 2005].

Ironically, Noluthando spoke of her undergraduate studies in positive terms in relation to the new environment. At this stage of her transition it seemed that her initial resentment of having to study in the Social Sciences for her undergraduate degree had been replaced by an appreciation of all that she had learnt. She noted that accessing the LLB degree *via* the Humanities did, in some ways, prepare her for studying in the Law faculty. She informed me in her second interview that she was “very humbled” by the way the Humanities had shaped her way of thinking and writing, where she made particular reference to the academic literacy we taught: “I’m very grateful that I was able to attend that course because it really shaped my writing skills in a way and I have been able to use those all along” [PG interview 2, 2005]. In her reflection she compared the Humanities faculty to Law, pointing out that there was “intellectual freedom” in the Humanities, something which she felt was not encouraged in her new discipline:

There’s one lecturer who is very closed up. She knows everything in the book but she doesn’t want to go outside of it in her teaching. Once you challenge her, she gets very defensive, as if she’s saying “I’ve been here so I know”. But she doesn’t say I’m a lecturer you are a student but her response says that. She knows her stuff but she’s a terrible lecturer. She’s terrible. If she doesn’t agree with you, she doesn’t have to agree with me but at least see the point that I am making. I have approached her on a number of times and tried to get her to see my point. In the Humanities faculty one could go on and on before arriving at the answer, you say something and then you substantiate it. There was so much intellectual freedom, controversy in a debate was encouraged even from first year. But here we can’t really challenge as much as we would have loved to” [PG interview 2, 2005].

In describing her new environment, Babalwa spoke of the implications of the transition for the literacy practices she had acquired in her undergraduate courses. In the course of her undergraduate degree she had come to appreciate the fact that there were no clear-cut answers to central questions in her Social Science disciplines. She quoted her third-year Politics course as an example of a course which she enjoyed specifically because of this [UG reflection paper, 2004]. However, what she found frustrating upon getting to Law was what she perceived as the focus on facts and that, in her new context, “there is a right and wrong” which she now found limiting:

Unfortunately for me, I entered a new academic discipline which means that I have to unlearn what I learned in my previous degree. It is not easy – when you have to tip-toe around and ask senior students how things are done and what is expected of you. Because no-one tells you the rules – or how to write your essay – you have to figure it out by yourself or ask your tutor. In other words, in terms of writing, it has not been an easy transition for me. But in terms of fitting-in and socializing – it has not been a problem because I knew some of the students who used to do Politics with me [PG interview 1, 2005].

It is clear from the above quote that Babalwa felt that her entry into her new discipline rendered the literacy practices that she gained in her previous disciplines as insignificant and something she had to let go of. Her postgraduate reflection paper was also striking in that she focused her description of the Law discipline on its professional aspects. In responding to a question which sought to find out what students appreciated about their new disciplines she wrote:

- It [Law discipline] prepares you well for the practice;
- it has codes of conduct to follow that are consistent throughout the country;
- it requires discipline and respect and for the individual to uphold the qualities and qualification for attorney or advocate;
- it prepares you to serve the public with dignity.

This particular characterisation of the discipline, while appearing to contradict her feelings of disillusionment in the previous statement, is not surprising given her investment in studying Law and practising within the field.

While Noluthando and Babalwa's comments on the new environment were focused on social relations therein, Andrew's comments directly addressed the implications of being in the Law faculty for his writing:

Everything is about the Law. I feel that what I bring to the Law faculty and what this environment requires from me, it's so far from Sociology. It's law-structured, it has been set, it has been structured. I can't discuss it in class, for each course there has to be a reasonable test, who is the reasonable test testing, I can't discuss the delinquency of the person having to walk around with a knife because of his background, and we disregard all other factors like the cultural background. But I have learnt to leave these things in class discussion because you can't take them to the writing. That is a problem because I have had to clam down and leave them out in the context of writing [PG interview 2, 2005].

4.4.1 Support structures in the Law faculty

In describing their initial perceptions of the Law faculty, the students commented mainly on its competitive environment and the isolation they felt, comparing it to the atmosphere on the campus where they had completed their undergraduate studies. In Harold and Andrew's case, this isolation was felt in the classes which they attended with fourth-year mainstream LLB students who were more conversant with the legal theories of Criminal Law. In Babalwa and Noluthando's case this isolation was as a result of attending lectures with first-year LLB undergraduate students. Andrew's frustration at being compared with the mainstream students is evident in the following quote:

... Like for instance, we had to do an essay for each Law course and we didn't even know how to write a law essay type. So I went about and inquired early so that I can get the format and there was no form available no assistance in terms of how to do it. There is this perception that I'm supposed to be equal to the fourth year law students, to have knowledge of four years of law. Yes I do agree that we are fourth year but not in Law so one needs guidance. When I went to see one of the senior members, he gave me this thing that I am fourth year and I'm expected to write like one... and I told him yes I'm fourth year I don't dispute that. But, I'm coming from a completely different background... [PG interview 2, 2005].

The above comments led me to question them on the support structures that were available to them in their transition. In response to this question, both Babalwa and Noluthando brought up the mentoring programme in the Law faculty. As part of the mentoring programme, students are assigned a senior Law student who is tasked with the responsibility of assisting the new student to acclimatise to the faculty. Both Noluthando and Babalwa spoke of this support system in disillusioned tones as is evident in the following statement from Noluthando:

They say they have mentors. The mentors are students, they also have a handful. It doesn't help, it just doesn't help. You go to your mentor, they don't know or they can't help. They are mentors for the sake of being mentors. I don't know whether they get training or what because they are also students. They study towards their LLB and LLB itself is a handful. So, it's a nice concept but it is failing. Maybe if they brought in people from the profession, or lawyers, people who work in the legal system. Like a group of people that we can access, not students. It doesn't work. Maybe it works for undergrads, students fresh from high school, but it doesn't work for us. [PG interview 2, 2005]

Noluthando's perception of this relationship as being burdensome to the mentor was supported by Babalwa in her interview. She stated:

Yes I have a mentor and I have tried emailing but I think she has not been on campus because they are also quite busy ... They also have to find a mentee for their articles, they need to find themselves a mentee or a masters student if they are doing research.... [PG interview 2, 2005].

In discussing the support structures available to them in the transition process, Noluthando also mentioned the LLB tutorials and the lecture attendance set-up within the degree:

I just don't like tuts. I wish we had something else but not tuts. And I'm sorry to be like this but it's very annoying to be in the same class with the freshers from high school, because sometimes they make the lecture drag. I know I was like that and I'm sure some of them feel the same way I'm feeling. But it's very annoying when something has been asked over and over again as they are still getting used to university. So maybe if they could have seminars for us postgraduates and keep us and the first years separate.

In an interview with the Criminology lecturer, the issue of Honours students attending the same lectures with mainstream students surfaced. In attempting to explain how the department was addressing this, she described the objective of these special tutorials:

I very much empathize with their transition process so I decided to run some introductory tutorials with them [the Honours students] before we started the main tutorials for the course with the mainstream Law students, just to try and introduce them to some legal terminology, for instance, things like how to read a case, what are the different parts of the case, what do you need to take out of the case in order to answer future questions [Interview with Criminology lecturer, 2007].

I discuss this in more detail later on in the chapter when I analyse the students' writing practices.

In the case of the Criminology Honours degree, both Andrew and Harold appreciated the support provided in their 'special' tutorials (see section 4.2.1.) as they viewed these as a space within which they could discuss the impact of the literacy practices they brought with them from the Social Sciences on their learning within the Law faculty. In advocating for more support during the transition they both referred to the differences between their undergraduate disciplines and Law in their postgraduate reflection papers. Harold stated:

The course that I'm doing is strung between two very different fields, that of Law and Humanities. So in terms of the manners of argument one is stuck between alternating between these two fields. From the Law side one needs to play the role of being a judge and look at the facts before making a judgement. In the Humanities part, one is pulled into looking into the various theories and critically appraising these concepts and at the same time invent one's own point of view in light of these criticisms. It's kind of very, in a dichotomy so to speak. It is difficult but I'm getting there. I'm getting to a point where I understand what's required of me from these different sides but because the course is broken into two spheres, it's a difficult process. It's more Law and at the same time it is the sociological aspect of things. So it's like writing for two disciplines, but completely different kinds of disciplines. The one I'm familiar with and the other I'm not. The pull between the two different spheres and more so the law one, is one of the most difficult things I have to get used to.

Apart from highlighting the difficulties he had with writing within a Law context, Harold's statement also pointed to a struggle with the interdisciplinary nature of his degree. His use of the terms 'strung', 'stuck' and the repeated use of the term 'pull' reflected this struggle.

The post-structuralist approach necessitates an ongoing dialogue between researcher and participants in order to address the fluidity and subjective nature of the

interpretations which actors attach to their actions (Usher, 1996). In keeping with this view, I followed up on the above responses in a second interview later in the year in August (see section 4.6.3 for a discussion of the data from this interview). In this interview I engaged the students in a discussion about their experiences of writing for a new discourse community and based the discussion on two marked essays that I had asked them to bring. In the next section I present the findings yielded by the analysis of the writing which I consider in relation to the challenges the students identified in this interview. The analysis focuses on Harold and Andrew's writing practices due to the fact that the wide range of writing they submitted for analysis was illustrative of the various challenges mentioned by all four students in their interviews.

PART TWO

4.5 Analysis of the writing

4.5.1 Introduction

In the previous section I presented data on the students' initial perceptions of the Law faculty and the ways in which they situate the knowledge they bring to their postgraduate learning contexts. In this section, I analyse the writing they produced for their postgraduate disciplines with a consideration of the ways in which the literacy practices they bring with them impact on their argumentation. In the course of their induction, the students' attempts to engage with disciplinary literacy practices and ideologies invariably resulted in questioning. This questioning extended to their tutors/lecturers' responses to their writing. Therefore, a consideration of the power issues at play within their writing contexts is an important aspect of the analysis.

The analysis firstly considers students' engagement with discourse at a macro-level. Here, I draw on Toulmin's (1958) model of argumentation to explore their engagement with the move structure of the PQA; that is, how argument is constructed

from one move to the next in order to realise the genre's communicative purpose. I then proceed to look at their use of discourse at sentence level, where students' lexical choices as well as their use of the rhetorical structures of the PQA are considered. Here, the analysis highlights the ways in which power relations are reinforced by means of the feedback that the marker provides to the student and how this ultimately signals the extent of the student writer's membership of the discourse community.

As is reflected in this section and as is stated in chapter one, the challenges identified by the Law students in their writing were mainly directed at the genre of the PQA. Although the analysis includes other genres which students produced, they are included as a means to contextualise the problems students encountered in engaging with the PQA. The writing produced by Harold and Andrew for Crime and Criminology, and the argumentative essays produced by Babalwa for her Constitutional Law module, are considered with this objective in mind.

As mentioned at the beginning of the chapter, the challenges which students encountered with the PQA can be traced to the structure of the genre as well as to the epistemological differences between their undergraduate majors and the Law disciplines. This second challenge manifested as a difficulty in reconciling the nature of the knowledge legitimated by the Law discipline with that of their undergraduate majors, on which they felt they should be able to draw in supporting their claims. While they articulated the impact of these challenges on their argumentation in broad terms in their second interview, my analysis pinpoints the exact instances in their argumentation where breakdown in logic occurs.

Since the students' challenges were linked to the nature of the argument they were expected to produce for the PQA (Andrew likened the argument construction to solving a mathematical equation), Toulmin's model enabled me to identify problematic areas in their argumentation. As described in chapter three (see section 3.6.3.1.1), his model illustrates how established data move through a warrant which then becomes the assumption on which the claim is based. More often than not the warrant requires

additional backing and, where necessary, a rebuttal. The backing adds to the validity of the warrant and thus to the validity of the claim. Through the use of the model I was thus able to explore how the students established links between the different reasoning moves of the PQA texts which they had written for their Law courses.

4.5.2 The structure and communicative purpose of the PQA genre

The PQA is widely used in testing Law students' understanding of the applications of legal rules in core legal branches like Criminal Procedure and Criminal Law. The general skill this genre facilitates is that of applying the law to the facts of a case. While the problem question is purely an academic genre, it was devised as a means of training students to think – and argue - like a lawyer as is evident in the following quote from Conley and O'Barr (1998:133):

Almost every law school exam question presents the students with an original...fact pattern and demands that they predict the likely legal response. The theory of this kind of testing is that this is just what lawyers do when clients appear in their offices and tell them about their problems.

The significance of the PQA within Law school is evident in a recent plea from the then Chief Justice, Sandile Ngcobo, in which he urges South African institutions to rethink the way they prepare their Law students for practice. In an article in *The Witness*, he stated that “The teaching of law must move away from regurgitation of notes to practical instruction which equips students with the necessary technical skills to assist communities in real-life situations”. He added that: “Law graduates should come out of law school not as receivers of information, but as people who can apply knowledge to real-life problems” (see Miya, 2010).

As described in chapter three (see section 3.6.3.1.3), the genre consists of 5 reasoning moves collectively referred to as *FILAC* (**F**acts, **I**ssue, **L**egal principles, **A**pplication of

facts to law and Conclusion). Students are presented with the facts of the case by the lecturer/tutor. In reviewing the PQAs which were provided by one of the Law lecturers, I noticed that some students made reference to the facts while others left them out and proceeded directly to teasing out the relevant legal issue(s). The next move requires the student to apply the legal principles and theories (warrants) to these facts. Through this application they are then in a position to determine the likely outcome of the case (the claim). The lecturer or tutor directs them to the relevant legal cases which they need to consult in addressing the problem question.

4.5.3 Challenges within the PQA

In the second interview which focused on their writing practices the students commented on what they perceived as constituting their challenges in producing the genre:

- ‘FILAC is used like when you are dealing with a problem type issue. You know your facts, issues and you know your law and your application and your conclusion. It is not easy when you have five legislations to consider under your law. It’s not easy, especially when it comes to then having to apply the law with those five legislations in mind’ (Babalwa).
- ‘Having to apply the facts to the various tests and concepts is one of the most difficult things I have to do’ (Harold).
- ‘The application of facts to law is difficult – that particular part I always get wrong’ (Andrew).
- ‘The difficulty is that I cannot apply here, my discipline of Psychology has taught me to apply but I can’t do that here. Here it’s take and put. That take and put might seem easy but it’s not’ (Andrew).

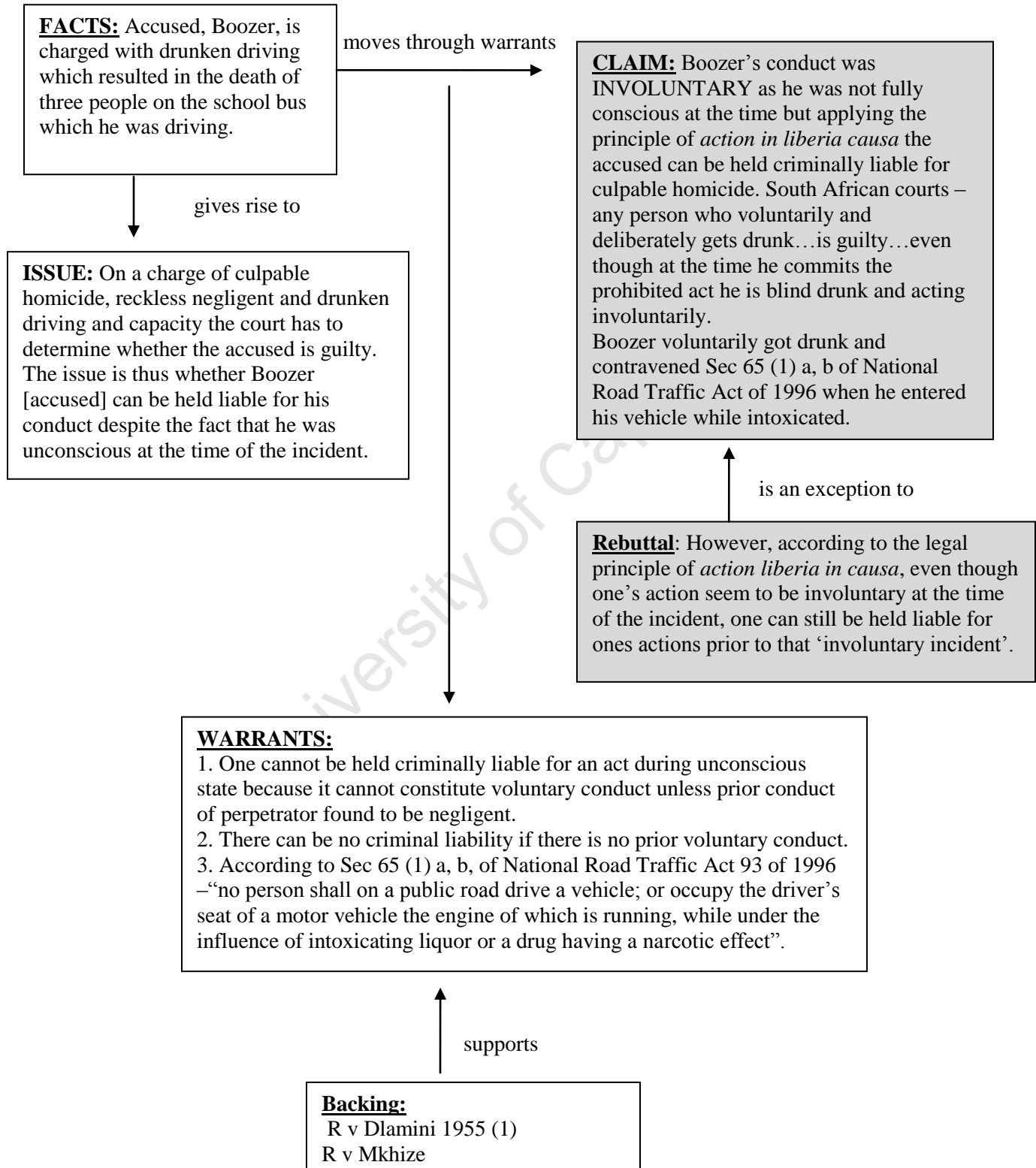
- ‘The solving part for me is not so easy, the applying law to facts part’ (Harold).

What the bulleted statements signal is that students perceived their struggles to be mainly located within the penultimate move of argumentation within the PQA; in the application of the law to the facts of the case. However, my analysis will show that the students’ challenges with argument construction in the genre were not solely located within this reasoning move as they concluded in the interviews and reflection papers. As is illustrated by the categories discussed below, struggles with this reasoning move were a manifestation of difficulties with earlier sections of the PQA which precede the application. These difficulties included the inability to identify the relevant principles on which to draw in extracting the issues emanating from the data, as well as challenges with engaging appropriately with the relevant warrants or key legal principles in their argumentation. In both instances, these then had a direct bearing on the application phase and consequently on the validity of the claim in the last reasoning move.

4.5.3.1 Selecting and applying key legal principles

The struggle with selecting and applying relevant principles from cases was evident in both Andrew and Harold’s writing. In two of his PQAs, for example, Andrew selected principles relevant to specific cases (or to *types* of cases) for the cases under consideration in his PQA. In both PQAs he successfully identified the legal issues under consideration and provided the relevant principles which warranted the move from the data to the claim. He also managed to provide the required legal cases as backing for the warrants. However, in the process of constructing his argument he drew on legal principles which can only be applied to specific types of crimes and applied it to the cases under consideration where they were not relevant. Figure 4 below provides an illustration of Andrew’s argumentation in one of these PQAs according to the elements constituting a logical argument in Toulmin’s model (see full PQA along with the problem question in Appendix 7). The shaded areas are those instances where the breakdown in argumentation occurs.

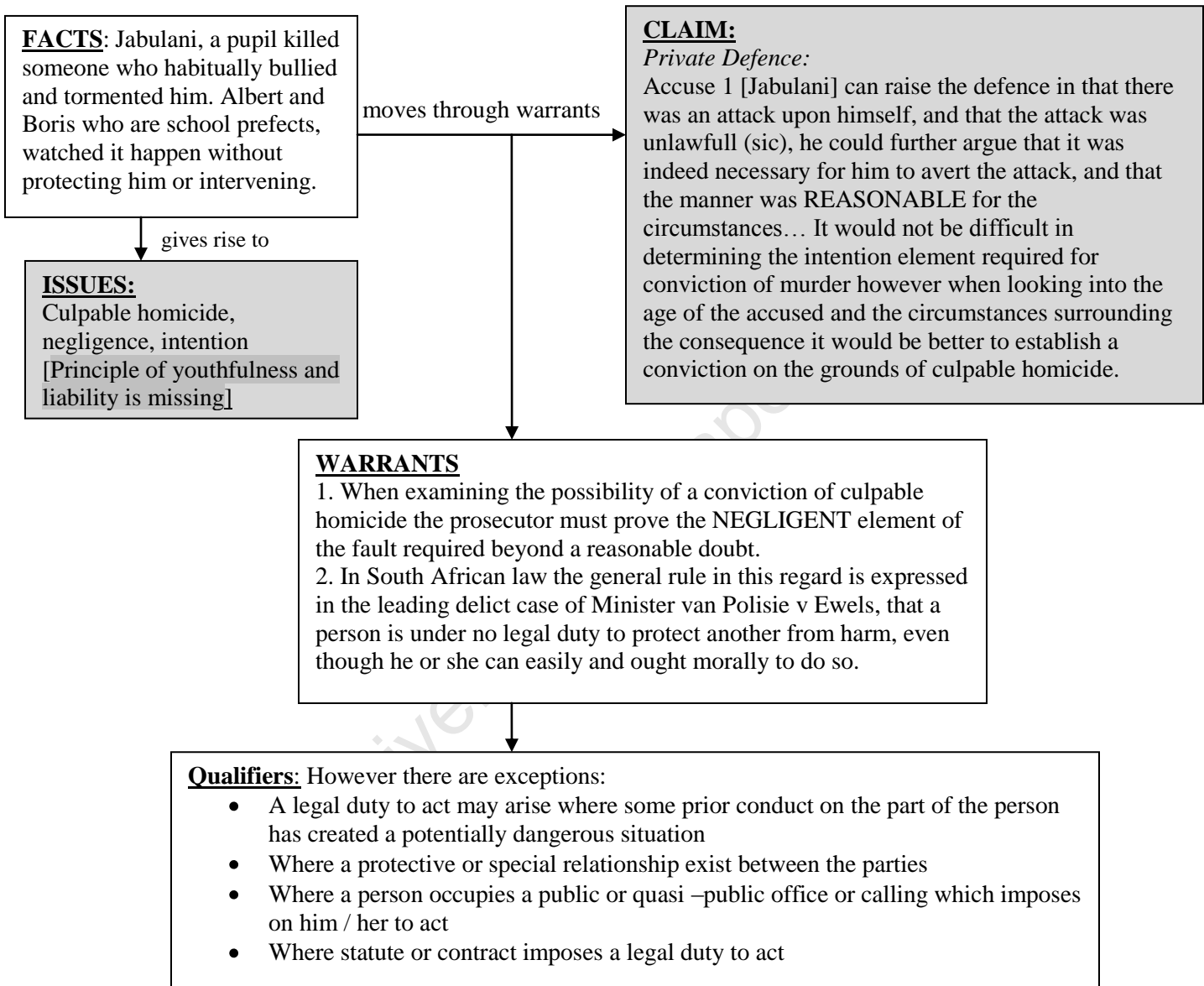
Figure 4: Illustration of Andrew’s argumentation



In the above PQA, written in April, Andrew started off by presenting the given facts as presented in the problem question: the accused is charged with drunken driving which results in the death of three people on the bus he was driving. Based on these facts he correctly identified the legal issues and principles which needed to be considered, that is, voluntary conduct, *mens rea* (fault-negligence), unlawfulness and capacity. He then drew on the law to select the warrants which assisted him in arriving at his claim and backed these with two cases which acted as precedence, namely, R v Dlamini 1955 and R v Mkhize 1959. The principle on which he drew in the rebuttal he provided, however, was incorrect as the legal principle of *action in liberia causa*, which implies that the accused foresaw the consequence of his actions, can only be applied to consequence crimes and not to circumstance crimes, which is how the particular crime under consideration was classified. This then compromised the validity of the claim as he drew on this legal principle to determine the criminal liability of the accused.

This challenge with selecting and applying legal principles manifested in the following way in Harold's PQA which he had selected as one of the two essays for discussion in his second interview:

Figure 5: Illustration of Harold's argumentation



In this PQA, two prefects witnessed a pupil (Jabulani – Accused 1) beat and kill a bully who had habitually tormented him (see facts in figure 5). In presenting his claim, Harold argued that the conviction should be established on the grounds of culpable homicide. In making this claim he made reference to the age of the accused but omitted

to foreground this legal principle at the beginning of his PQA in his presentation of the issues to be considered. His tutor comments in the margin: “What about youthfulness? You can’t just decide this on gut feel – look at the principles of liability – youthfulness is relevant, from age 7 to 14 the child is presumed to lack criminal capacity, this weakens as child nears 14.” In the legal issues section of his PQA Harold points to ‘negligence’ as the relevant legal issue to be considered but in the conclusion arrives at a vague claim based on the age of the accused which he failed to foreground at the beginning. This resulted in a weak claim as there was no match between the legal issues identified and the claim he presented.

Similarly, in another PQA, Harold gave a detailed explanation of causation and *Dolus Eventualis/DE* (where the accused foresees the possibility of the prohibited crime occurring) in his ‘legal issues’ reasoning move but failed to use these two principles in the *application of law to facts* reasoning move where he made his claim on the basis of negligence. The tutor commented: “Be careful of ‘the shot gun approach’. Only discuss the relevant principles and cases - Why do you dwell so much on causation & DE when you don’t really use these in your application?” [her emphasis]. In making his claim, it became evident in my interview with him that he was not sure why he included the above legal principles as part of his argument as he eventually based his claim on a different legal principle. Drawing on an example from the judicial system, Toulmin (1958: 93) observes that “... it is often necessary in the law courts, not just to appeal to a given statute or common law doctrine, but to discuss explicitly the extent to which this particular law fits the case under consideration”. Swales (1982: 140) highlights the difficulties posed by attempting to decipher/interpret legal cases. He observes that this process involves determining “... whether a fact is *material*, or whether a particular case is *distinguishable* from another one” [his emphasis].

The above challenges indicate that the students seemed to overlook the interconnectedness of the different sections of the PQA, where the first section is ‘a kind of roadmap to the second section’ (Interview with Law lecturer - February 2007). The claim put forth in the last reasoning move can differ from one answer to the next; what is

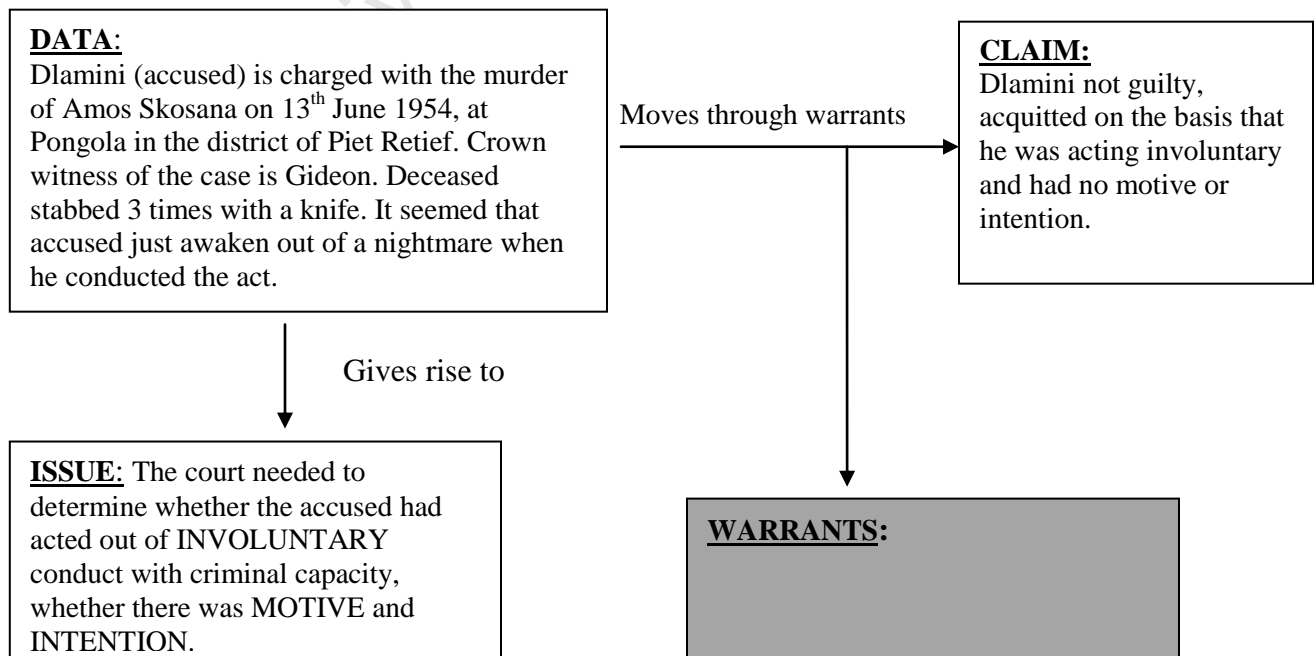
important is how well the writer is able to substantiate it outline. The student does this by showing how the content in one section relates to that of the sections before it.

4.5.3.2 Challenges with the provision of warrants in linking data to claims

In making the move from considering the data (facts of the problem question) to reaching the conclusion or judgement to be passed, the students struggled to provide warrants which would legitimate the conclusions they reached. Challenges with warrants manifested in two ways: either the warrant was absent at the beginning of the PQA or it was provided but not backed with the relevant legislation. In this section, I illustrate students' challenges with engaging with warrants and in the next section I discuss the nature of the challenges they experienced in providing backing for these warrants.

In his very first PQA, written at the beginning of the year, Andrew set out the established facts (Data) as presented in the problem question (see illustration of his argumentation below).

Figure 6: Illustration of Andrew's argumentation



The breakdown in logical reasoning is visually evident in the above illustration of Andrew's argument. The facts were as follows: The accused (Dlamini) is charged with stabbing the deceased three times with a knife after awakening from a nightmare. Based on the data Andrew correctly makes the deduction that the relevant issues are involuntary conduct, motive and intention. At the end of the PQA he makes the claim: 'Dlamini not guilty, acquitted on the basis that he was acting involuntary and had no motive or intention'. However, in the move where he is required to illustrate the link between the data and the claim upon which he arrives, he does not draw on the relevant warrants to achieve this. This then compromises the validity of his claim. The tutor responded to this PQA with a lengthy explanation of the form and content shaping the genre and the importance of providing warrants in the form of legal sources in his argumentation: "After identifying the legal issues you should then be able to provide a review of the authorities or applicable sources of law... and then summarise how the Judge would apply the law to the facts. It is important that you understand this".

In the above analysis I have illustrated how some of the struggles reflected by the PQA samples were linked to a lack of effective engagement with warrants or legal principles. In the next section, I proceed to show how this particular challenge extended to the nature of information which students felt they should be able to include (and in some cases, did) as backing for the warrants they provided and ultimately for the claims they made in the closing move.

4.5.3.3 'But we see other things': drawing on psycho-social concerns in providing backing for claims

In the interviews the students spoke of the struggles they encountered in providing backing for their claims. As the data will show, these struggles were mainly linked to the epistemological differences between their undergraduate and postgraduate discourse communities and what constitutes valid knowledge within each:

- ‘The discourse is very reductionistic in my opinion as I was unable to bring in my background’ (Andrew).
- ‘Coming from the Humanities sphere, I was used to taking into account the various factors that play a role on the behaviour and the manner in which a person goes about in the world and now having to overlook this is very hard on me’ (Harold).
- ‘You can definitely tell when Humanities students are arguing. You can tell. We argue differently from anyone else. The Law, yes, they argue but it’s from their own perspective, from a Law perspective while with us, we consider everything that could affect one’s behaviour but at the same time we are objective. I think that’s a nice combination’ (Noluthando).
- ‘Unlike in my undergraduate ... there is not much room for looking into the broader psycho -social, economical and political factors when creating knowledge; there is not much room to manoeuvre’ (Harold).
- ‘I am fortunate coming from a discipline (Psychology) where I was able to integrate various perspectives in my writing’ (Andrew).
- ‘The discipline (Criminal Law) is too fixed in their knowledge’ (Andrew).
- ‘It [Law discipline] is just strict, it is so strict, you are not given space enough for your opinions. You know in politics you would give your own opinion and still, add in other perspectives without necessarily straying far from the theory’ (Babalwa).

Andrew proceeded further to explain what he perceived as limiting in his new discipline:

It's passivity, it's too passive ... maybe that's because of the discipline that I'm in, um that I was in, the discourse that I'm connected to like in Psychology and Sociology allowed me to be critical, it allows me to think and the thing with Law is you can't question it because, you know law is fixed you can't contest it and stuff and that is the problem that I have because I find that when I do my tuts, it almost like they ignore social factors, ignore psychological factors when doing judgements. I find myself going into that thing. I will raise my questions, such as "but you know they ignore x, y and z". They can't focus on that if they don't know the circumstances behind one's behaviour you know. Obviously I constantly find myself in a dilemma now. Now I'm stuck in Criminology and Procedure and Criminology which absolutely has nothing to do with analysing criminal minds but more focusing on legal policy and measuring crime. There is a lot one can focus on in Criminology, there's so much domestic violence and acts and stuff like that that need attention. I'm stuck in Criminal Law and I don't see the purpose of doing it at all. It focuses so much on legal principles and facts. Things like, if the judgment is debt you have to get facts as it's there in the case and then apply legal principles to it. But I still challenge that in class. I still tell the tutor or whoever it is, I still tell her but this and this and this you know what I mean? I always add a 'but'. But she'll be like, let's get back to the programme. She'd not go into details and will say these are the legal principles. I say okay but it's still an issue you know? If you ignore this as a norm for this person, he doesn't see this as a criminal act or something. For instance after failing one Law essay I went to the tutor. I went back to him and said I went through a lot of effort to write that. I told him to look at it from my perspective because that's how I understood the question. I told him if he would look into the paper from my own perspective as a Sociology major he would see exactly what I'm talking about. He'll see that everything is there. So, he said he'll look into my paper. I hope he will look at it [PG Interview 1, 2005].

Harold and Andrew described how the PQA genre limited the extent to which they could consider factors other than the cases and laws used to set precedence when

assessing the criminal liability of the accused. Harold expressed their frustration in the following statement:

The law doesn't allow you to look at things in a more broader sense, if you are given a case, this is what it is. You can see the implications, the effects other aspects of society has on the case but they don't require you to do that ... you can't bring in broader stuff to back the judgement you reach. This is what you focus on, this is the principle. It is structured in such a way that they don't want you to divert from it in anyway. It restricts one from looking at other alternatives [PG interview 1, 2005].

When I probed and asked what he meant by 'broader stuff' he responded: 'You go into one class and think 'but what is going on?' You see the case that is presented there and you feel 'but we see other things.' The case is presented in such a way that you can see all these sociological, socio-economic kinds of problems but you can't mention them. 'It has nothing to do with that', the Law says and that's what it is'. He expressed the same sentiment in his second interview:

Most of the time, the cases we are presenting have details to them that need to be looked into. But then you look at the case, for someone like myself with a background in Psychology, I would look into someone and see clearly that integrity plays a role in here, or belief plays a role there and we can't overlook that because it is circumstantial... We are not allowed to take the subjective elements into the thing, we can only look at reasonable evidence. For instance we were given a case on drunk-driving and how to address problems within the law, the steps we need to take etc and I think somewhere I got lost. Instead of addressing the problem I somehow ended up with that Psychology thing, that this person has this kind of problem, without saying this is how it will be addressed in the court. So I ended up trying to understand what was wrong first whereas the issue wasn't about the guy having a drinking problem but how his transgression of the law was going to be addressed in the law court. I spoke to my tutor and told her that I see the problem; I told her that my background gives me problems.

So I explained to her that I haven't been in this context in terms of how it functions" [PG interview 2].

The above statements reflect struggles around the nature of the backings that the students felt they could legitimately draw on in constructing arguments. While the Law largely prescribed the backing which students could bring in to support their arguments, they felt that psycho-social issues such as an individual's belief system or their social background were just as legitimate as the legal rules and principles. With the above statements in mind, I analysed their writing to explore the ways in which these struggles with the discipline's epistemology manifested. This analysis worked towards addressing the following research question: *"In what ways do these perceptions [of the ways in which the literacy practices they bring contribute to challenges with writing] manifest in their use of discourse at the level of the move structure of [the PQA genre]?"* In the next section I present the findings yielded by this analysis.

4.5.3.3.1 Manifestation of struggle with epistemologies in students' postgraduate writing

In attempting to illustrate specific moments in their writing where the tension brought about by different knowledge-validation practices is evident, I selected a PQA which Harold wrote in the first semester. In the first section of the problem question, a sergeant is accused of having shot and killed a man who was attempting to hijack a motor vehicle. In the PQA, Harold correctly identified the relevant principles set out by the Criminal Procedures Act under the legal principles section. He also took the reasonable test into account in reaching his claim. However, in trying to back up his argument that the sergeant (accused) acted reasonably in shooting the deceased, he based his claim on South Africa's social problems and foregrounded the high levels of crime in the country instead of the legal principles he had identified (see Appendix 8 for a full illustration of his argumentation). As part of his claim at the end of his argumentation he wrote:

The sergeant's use of deadly force is justifiable in the circumstances in that the deceased might have been in possession of a firearm. South Africa has one of the largest car theft incidences in the world. Many of the suspects are never arrested, are dangerous and linked to car-hijacking which is **possibility** in this incidence in that the deceased could possibly have simply hijacked another car and possibly killed another member of the public. The officer therefore had to act fast in light of the circumstances and is justifiable in relation s 49 of the Criminal Procedures Act 51 of 1997.

His tutor responded: "In this case the deceased knocked down 2 people so that counts as a possible threat to the public. You should have used these concrete facts as possibility rather than referring to South Africa's crime situation". In the interview Harold explained why he constructed his argument in the way he did, that is, directing the focus to South Africa's social problems. He referred to a consultation where he was discussing an earlier draft of this PQA with his tutor:

She always wants the legal facts. And, that is again problematic because you are sitting and thinking I'm really being factual again about this thing, I'm not providing an effective critique. The cases are dealing with the facts, legal rules and from there straight to the conclusion. Just the idea of going about it [the argument] is not satisfactory because when I look at the way we approached things [in Sociology] in terms of first looking at the society within which the person functions, I feel that is more valid but she was like 'okay' but that's not what she wants, she wants the principles and cases...this means you don't enter into a kind of debate about what possible things could have led to one's actions [PG interview 2, 2005].

This quote illustrates his frustration with what both he and Andrew perceived as the lack of 'room to manoeuvre'. Here, Harold juxtaposes one of the ways of approaching knowledge in the discipline of Sociology, where debate is central in the production of knowledge, with that of Criminal Law where contestation happens *via* "a body of rules"

(Becher, 1989:8). Bhatia (2004:51) juxtaposes the discipline of Law with that of business to emphasise the differences in how they arrive at decisions and the kinds of evidence considered crucial in doing so. He states:

In business cases, most of the evidence comes from the interpretations and applications of business theories, often suggesting a novel and creative, but pragmatically successful business solution that is likely to ‘work’. In Law, on the other hand, the judgment (solution) is the result of a logical argument based on evidence from the interpretation of rules and regulations and precedents from earlier judgments, which seem to suggest that the solution is not only well argued but, more importantly, *is consistent with earlier judgments* [my emphasis].

The phrase on which I place emphasis in the above quote points to what I believe underlies the students’ frustrations. Precedence in Law is a valued notion and guides one’s interpretation of the Law and how it can be applied. The two students’ reference to the constraining effects of the discipline’s values, that is, having to be guided by legal principles in their reasoning, can be directly traced to the discipline’s valuing of precedence.

The challenge for the students, it seems, was in finding the balance between commenting on South Africa’s prevalent social problems and giving space to the discipline’s laws and principles. As a member of this discourse community they needed to know how much space to afford to social factors, which in their opinion, presented a more credible source of authority surpassing that of legal rules and objective tests. In the field of Criminal Law, backing requires that the student writer provide relevant cases and/or statutes and acts on which the warrant is based and in this context these are the sources that have the most authority. This is supported by an extensive study conducted by Crosling (2005), in which she sought to access faculty members’ views on what constitutes competent writing in their disciplines. Her study found that the highest ranking indicator of good writing in the legal context was ‘supporting points with appropriate evidence’. She argues that “this accords with the discipline’s practice of

arriving at legal decisions following analysis of a situation's facts *in relation to the law* [my emphasis] (p.7).

Interestingly, Harold's critique of legal discourse echoes that of the Critical Legal Studies (CLS) movement. This movement critiques the determinacy of authoritative legal materials such as statutes and legal principles in legal reasoning, and takes the position that the law is neither objective nor value-free but is political and that legal theories therefore need to afford more space to the social contexts of law (Unger, 1986). This critique is further evident in the postmodernist-driven debate around what constitutes knowledge or 'truth'. While the postmodernist perspective places emphasis on the socially-constructed nature of truth and knowledge, positivist epistemologies, which partly characterise the legal discipline, give more weight to deductive logic and rational reasoning.

Bourdieu (1990), in characterizing the *modus operandi* of *habitus* as operating largely on an unconscious level, cites Durkheim (1977:56) who makes reference to those practices "which are recent and consequently have not had time to be assimilated into our collective unconscious". Bourdieu argues that, because these practices are recently acquired, we tend to be vividly conscious of them. It was to these recently acquired (literacy) practices that the students attributed their negative stance towards the new discourse and its values. The cultural elements of Law are substantially different from those of their previous learning contexts. This inevitably resulted in tensions between the past selves; their disciplinary *habitus* and the regulative practices constituting the new field. Berbrier (1997: 43) explains it thus: "...when a persuader is faced with the task of persuading an anonymous individual – someone of whom he knows little or nothing, and hence is unfamiliar with her symbolic universe – he must appeal to collectively-based (cultural) correlates of schema and sentiments." In Toulmin's (1958) model, warrants represent the culture-specific schema at the centre of the legal discourse on which the students draw. Warrants are invoked by the persuader to convince members of the audience – who have to be familiar with them and what they represent – that the persuader's argument is valid. In the students' case, the audience for whom they write is

not convinced of the credibility of the warrants they invoke as part of their argumentation as these warrants do not represent the discipline's knowledge-validation practices in the same way they did in their undergraduate majors.

In his second interview, Andrew spoke of how he was in the process of conforming to the discourse conventions of Law. In this interview, where he referred to his academic career as a journey, he spoke of how he was in the process of giving up his voice in his new discipline "as everything is based on the Law and whatever opinion one offers has to be within bounds of the Law". He went on, "I am learning to leave those things outside, sure I bring them up in the discussions we have in the tutorials but that's as far as it goes. The problem question does not allow me to bring in my voice. I could never be a lawyer, I cannot afford to look at things the way they do!" [PG interview 2, 2005]. This statement is important on two levels. Firstly, it points to identity issues; particularly how Andrew's attempts to construct a disciplinary and professional identity were effectively stunted by his struggles with the genre. On another not unrelated level, his statement illustrates the extent to which he, and the other students, felt that the genre limited their voices in the writing process. In noting how the PQA limited their ability to give their opinions in their arguments, the students pointed to other genres which they felt presented them with more of an opportunity to do so. In the next section I explore the extent to which students were able to incorporate their voices in their writing. This entails exploring how they presented themselves as authors -- (the self as author) according to Clark and Ivanič (1997) -- and the extent to which they were able to express their views where the genre and essay topics opened up the space for them to do so.

4.5.4 Exploring students' uses of 'voice' outside of the PQA

In their interviews, both Harold and Andrew spoke of how the law module for which they enjoyed writing was Crime and Criminology. They maintained that the book reviews they wrote for the module were simpler to produce, attributing this to the similarity of the genres within the module to the essays they produced in their undergraduate disciplines of Psychology and Sociology. These similarities were in terms

of the nature and role of evidence as well as the extent to which they felt they were able to give their opinions. In the interview on writing, they both made reference to the extent to which they felt they could claim ownership of their writing. Like Andrew's earlier statement, Harold's description of what he perceived as the discipline's impact on his voice reflects their challenges with Criminal Law: "If it was more compromising on the law side I would like to see my voice being heard as well. I would then feel a sense of belonging. I think that is the part I'm grappling with, having my voice heard in my problem question answer" [PG interview 2, 2005]. Babalwa echoed this sentiment in her appraisal of the discipline as a whole: "I feel in this discipline I'm reluctant to give my view in case it is subjective. At the moment, I stick to the law and show that the reason I agree with its provision is because of this and that. But I've not yet expressed my view in any of my answers yet" [PG interview 2, 2005]. Based on these statements I then analysed the essays which Harold and Andrew had submitted for Crime and Criminology and those which Babalwa had submitted for Constitutional Law.

Unlike the PQA genre in Criminal Law, the Crime and Criminology essay is expository in nature, mainly taking the form of book reviews within which the student is required to provide a critical assessment of the various schools of thought in criminology and then offer his/her opinion alongside dominant social theories in the field. I looked to see how the two students would engage with the authority on which they drew in supporting the claims they made.

An essay written by Harold in early March focused on the foundations of Criminology, in particular, the Classical School. In discussing these, he refers to numerous sources outlining the theory developed and founded by the man he referred to as the leading writer and scholar of the classical school, namely, Cesare Beccaria. As part of his discussion he referenced a number of internet sources, the result of which was a footnote reference after each second sentence. None of his own critical assessment was evident in the essay and his marker's comment at the end of his essay pointed to Harold's inability to demonstrate his grasp of the body of theory on which he drew: "You identify some core ideas –but need to spend much more time and effort on formulating independently. Beware of an over reliance on your sources!" She wrote next to the long

list of footnotes, “25 references in a three page piece?” indicating the absence of personal opinion and critical assessment. He was awarded a “B”.

In another Crime and Criminology assignment which he wrote in June, a book review of Howard Becker’s *Outsiders: Studies in the Sociology of Deviance*, the marker’s feedback also suggested that his presence as the writer of the essay was not as strong as it could have been. Her comments included statements such as “The core ideas of the labeling perspective are outlined & criticisms are noted but it remains unclear what your grasp of the ideas are” [her emphasis].

Andrew’s marker makes similar comments in response to a book review he wrote on Albert Cohen’s *Delinquent Boys: The Culture of the Gang* at the end of June. At the end of a paragraph in which he discussed Cohen’s viewpoint on delinquency, Andrew referred to one of Cohen’s central claims on the issue of status seeking: “In Cohen’s research he asserts that status seeking is central to all children not only that of the working class. However, my inference is that more pressure is on the working class as a result of their socio-economic background”. In the paragraphs which followed, however, he failed to engage with this statement as he did not offer any critical analysis of the sources he had used. His marker commented at the end: “While you have relied on the substantive expositions of online and other sources you need to provide enough of a demonstration of your grasp of the key ideas, and your capacity for critical assessment” [marker’s emphasis].

When looked at alongside their postgraduate argumentation, both students’ undergraduate reflection papers are significant in the ways in which they describe their growing awareness of ‘voice’ in their writing. Harold’s description of this is especially poignant:

My second year is where I feel I have found my voice, found the secret to the art of writing in that I began to understand what is required of me and in doing so got to know my audience. I have seen there are particular changes in terms of my

ideas over the last three years that have allowed me to score in many regards. I like the use of my own voice in the essays but occasionally would bring in another voice through the use of direct quotes in order to give what I want to say a little more depth... In the body of the argument I love the use of simple language of manipulating and critiquing the various authors and using other sources in order to give my own argument substance [UG reflection paper, 2004].

In their Crime and Criminology essays however, this critique is largely absent. While this genre does afford them the space to comment on the various schools of thought in the field, the students do not take up this opportunity as expected, despite the fact that they had commented on the lack of space to articulate their voices in their problem question answers. I had expected that they would engage with the warrants on which they drew in a way that would serve to bring out their opinions. However, my analysis as well as the marker's comments point to the fact that their voices are largely absent in the texts they produce and are instead replaced by an uncritical presentation of the body of warrants shaping the discipline. While they are able to tease out the relevant warrants from the body of literature at their disposal, they either fall short of engaging critically with these or they base their entire argument around prescribed readings as is the case with Harold's book review on the Classical school of thought.

In talking about her challenges with writing within the legal context Babalwa had also made similar references regarding the use of voice in her writing. In her reflection paper she wrote:

In terms of the content of the paper – and how one argues - it depends entirely on the individual as long as you do not become too attached [and] include your personal conviction in your paper. One has to be objective and use the appropriate law for proof and be able to show the general understanding of the topic. It is important to give your paper a character (your personal opinion). I feel in this discipline I'm reluctant to give my view in case it is subjective. At the moment, I stick to the law and show that the reason I agree with its provision is because of

this and that. But I've not yet expressed my view in any of my papers yet [PG reflection paper, 2005].

The Constitutional Law essay which Babalwa had written in May provided her the space to bring in her voice. The essay required her to consider how two prominent judges, Chaskalson and O'Regan, perceived a particular legal duty imposed on the government. It then required her to state which approach *she* preferred along with the necessary justification. She began her essay by outlining each judge's views regarding the duty. In the last paragraph of her essay she wrote: "I prefer Chaskalson's approach, even though both judges acknowledge that extraterritorial application of the provisions of the Bill of Rights is limited by the international law principle to be enforceable against other state as this will diminish or undermine the principle of sovereignty" (Constitutional Law essay, 2005). What followed after this statement was a summary of the judge's views instead of clearly showing why she made the choice she did. This then served to eclipse her voice. Her marker wrote 'This is unclear', implying that her objective of giving her opinion along with supporting statements is not followed through in the rest of the paragraph. Like Andrew and Harold, Babalwa missed the opportunity to include her opinion in a genre which explicitly provided her with the opportunity to do so.

Based on the lack of critical assessment in students' essays, it is evident that there was a mismatch between their interpretations of voice and those of their markers and by extension the discipline's. Within both undergraduate and postgraduate contexts, the students seem to be drawing on the notion of voice as shaped by the 'autobiographical self' as characterised by Clark and Ivanič (1997). In the context of this study, this aspect of writer identity would include their Social Science identities and attendant worldviews, which the students felt deserve a space within legal argumentation. The data from students' descriptions of their challenges with argumentation in Criminal Law are especially illustrative of this as they search for alternative ways of explaining the actions of the characters in their PQAs. The marker commentary, on the other hand, draws more on 'voice' as critical engagement with disciplinary knowledge. This understanding draws

on Clark and Ivanič's (1997) 'self as author' or authorial self which points to the ways in which writers present themselves as authoritative in their writing. This entails an effective use of relevant sources within the discipline as well as critical engagement with the sources through a presentation of the writer's opinion in relation to these.

It is worth noting that the students' immature understandings of the PQA genre (and the discipline as a whole) resulted in a lack of understanding as to the ways in which the genre did sanction their voices. The Law lecturer explained the reasons behind their struggle in the following statement:

The competent law student is required to make arguments that are based on logic and rhetoric so that they are both kind of logically valid and persuasive. But those two aspects of the argument must be absolutely seamless. Because what lawyers tend to do is actually to provide arguments that seem logically infallible. That's where the persuasiveness and rhetoric comes in. It requires this shift between saying what one thinks the law ought to be and what the law is. I think many of us have been schooled in actually doing this and don't actually grasp explicitly that this is what we are able to do yet it's the skill that we need to try and teach our students so it's no wonder most of them don't grasp that this is what's going on [Interview with Law lecturer, 2007].

The lecturer's statement suggests that the difference between commenting on the rules as they stand and bringing out one's voice through saying what the rules *ought* to be is a very subtle one which inexperienced writers within the legal context would struggle to comprehend or indeed, incorporate into their argument.

4.5.4.1 The notion of 'critical thinking' and voice

Students' struggles with 'voice' highlighted broader struggles with critical thinking and critical assessment within the Law discipline. In writing about the graduate attributes which students are expected to possess, James *et al.*'s (2010:287) very recent

conceptualisation of the concept within the Law discipline, which they term Critical Legal Thinking (CLT), points to three types of critical thinking:

Type 1: The judgement of specific claims and arguments (including claims about the Law and legal arguments) according to the criteria of accuracy and logic.

Type 2: The judgement of disciplinary knowledge (including legal doctrine, legal rules and legal processes) according to the criteria of consistency with theoretical and ideological standards (including jurisprudential and liberal standards).

Type 3: The judgement of norms, decisions and processes (including laws, legal decisions and legal processes) according to the criterion of equity of outcome.

In presenting these types of critical thinking, James *et al.* (2010) propose that being in a position to judge claims, arguments and disciplinary knowledge in accordance with the discipline's values, positions the student favourably in performing a critical analysis. This suggests that the Law students' struggles with presenting an appropriate authorial self in their judgements of the legal theories within Crime and Criminology and within Constitutional Law (in Babalwa's case) can be directly linked to a broader struggle with understanding appropriate ways of engaging with disciplinary knowledge or warrants. This then adversely affects the extent to which they can successfully incorporate their voices in their legal writing.

In attempting to engage with the warrants of their field, the students constantly made reference to the importance of balancing between objectivity and subjectivity, something which they felt arguing in the context of Psychology and Sociology enabled them to do. Their struggles with understanding objectivity in the legal discipline are evident in their questioning of the uses of some concepts in the field. One concept which Harold and Andrew interrogated at length in their interviews was that of 'reasonableness'.

4.5.5 Interrogating the notion of ‘reasonableness’ in Law: implications for argumentation

The data yielded by both Andrew and Harold’s interviews show how the two students struggled with the notion of ‘reasonableness’ in their engagement with the discipline’s CTP. In the legal context, the use of this term is best captured by Berteau’s (2004:468) definition:

... reasonableness can be defined as a legal system’s sensitivity to the demands of particularity, and its attentiveness to the specificities of single cases.

Reasonableness is necessary to achieve the demands of justice, so far as the latter is understood as a ‘distinct segment of morality’ that prescribes not only that we treat like cases alike but also that we treat different cases differently.

Berteau’s (2004) definition points to a shift from a positivist to a more post-modern outlook in legal argumentation over the years, an issue which forms the focus of his article (see also, Kim’s 2007 article on rule and exception in Criminal Law in which she expresses this shift). According to Harold and Andrew’s statements and attitudes, Criminal Law, and by extension the Law discipline, compels them to take on the notion that there is a truth which can be determined by an application of legal rules to a given set of facts.

Guided by this perception, the students seemed to be overlooking the grounds on which the notion of *reasonableness* is premised. In one PQA, Andrew engaged with the concept of reasonableness in the context of a man having killed a child because he thought the child was a *tokoloshe* (a term originating from African folklore which is used to refer to an evil spirit which typically takes the form of a young boy). In arguing that the man was not criminally liable, he made reference to cultural factors, stating “we can’t disregard all these external factors”. Harold referred to the same problem question in his interview, where he similarly highlighted the concept of ‘reasonableness’ as problematic:

Like, we have a case, a person who believes in tokoloshes. That is his belief but we have to argue in terms of a reasonable man. We had to argue in terms of what a reasonable man would believe. We argued this point, what is reasonable in a heterogeneous society like South Africa. What is reasonable in this? Then they said you have to take the person the way they are. So we argued that if you take the person the way they are, it means you have to take their beliefs with them. However there is no space for that kind of debate. The Law doesn't allow you to do that. I think their fear is that if their test becomes too flat and flexible anyone can just use it. So they stick to the principle [PG interview 2, 2005].

It is interesting that what the students were calling for is exactly what the notion of *reasonableness* attempts to address. However, at that point in their transition, it would seem that both students were not aware of this characteristic of legal argumentation and how it related to the way in which knowledge is both created and engaged with within the discipline. The statements they made in describing the Law environment in their interviews suggested a perception of the discipline as being frozen in time, a notion that the legal rules shaping the discipline's knowledge-making practices cannot be contested. By viewing the discipline in this way, they failed to take into account the (re)construction of the law over time, and the consequent impact of this for the legal rules which they perceived as incontestable. This reconstruction of the law is emphasised by Harris (1997:292):

Cases depend on other cases for their *ratios* and so the law is a process of *construction over time*. A reader cannot consider the *ratio* as something "out there" and once-and-for-all. In reality no case can have a meaning by itself but can only be understood against the background of the other cases in relation to which it must be read (his emphasis).

In their analysis of the new discourse communities however, the students, particularly Andrew and Harold, did not take this aspect of the discipline's epistemology into consideration. At that point in their transition, it did not form part of their tacit

knowledge or their *habitus* which mainstream students could be expected to have acquired over the course of their studies in the field.

4.6 Reading as a specialised literacy practice in Law

The challenge which students experienced in producing logical arguments and in coming to terms with what constituted appropriate reasoning within the discipline could be directly traced to their struggle with the reading of prescribed legal cases. This struggle was evident in their inability to select crucial information in the reading of these cases. Harold described their difficulty with this skill in the following way:

Having to sit down and analyze those (cases) is so difficult to do. You need to sit down and set up a principle, and even though these cases are somewhere in the form of precedence that's not easy because they are pages long. You need to know what to extract from these cases because they are like a judgment. As the person who is reading you need to know what you are taking and if you are looking for capacity you need to know that you are looking for capacity. And in most cases, these things overlap, like capacity. I read one case and I didn't pick that up or there're certain intricacies that we haven't managed to pick up within the case, something that the judge would say about a certain thing. We haven't really mastered that one ... what you leave out completely in terms of things. I don't know. I just go on and on ... [Harold, PG Interview 2, 2005].

The literacy practice of reading and selecting information from cases is a specialised one, as is evident from the following quote from the Criminology lecturer:

... in the Humanities, for example, someone is putting their discussion down on a page, you then interact with the whole discussion. In essence you take out of it what you actually want to take out of it: what strikes you, what touches you, what you disagree with and what you want to take further. Whereas with a case, there's

actually quite a distinct science to how a case works and what is relevant in cases so for example umm... with judgments you get minority and majority judgments and there's a thing in law, there's a thing in law called precedent. Which basically means that in a common law system where the law essentially gets created by the courts by judgments, precedent means that older judgments that were issued by a higher court are binding on all future judgments that are of the same level. If they want to overturn that and change the law then you have to take it to a higher appeal court or a constitutional court which can overturn the judgment. So that's precedent, the binding nature of previous judgments. Now the only part of a judgment that actually forms precedent is the majority judgment. So you need to be able to identify that this part forms part of the minority, this part is the majority and then from the majority you need to be able to extract what is the precedent emanating from this case. And precedent won't just be the whole judgment because the judgment will speak about things like the particular facts of that case and the circumstances surrounding the commission of that particular crime, whereas precedent is a principle, so it's a principle you take out that you can use in all future cases, whereas the legal facts are the things that are specific just to that case, ja. So there is quite an art in learning what the judgment looks like, how to pick out the different parts and I think it's a lot to ask of people who come from a totally different background to just intuitively open a law report and understand what they need to take from it because in essence it's deceptive because it's the same language we read everything else in but it's actually a different language because it's legal jargon [Interview with Criminology lecturer, 2007].

The above quotation highlights the complexity involved in reading a case judgement and the knowledge required to enable one to select the relevant information. More importantly perhaps, her quote points to the importance of reading differently. In comparing the way one approaches an author's argument in the Humanities with law, the tutor acknowledged that the students' struggles with the genre were also due to the specialised discourse therein. In backing her point, she gave an example of how certain terms such as 'precedence' may be problematic as the student would need to appreciate

the significant weight and authority attached to the term and the fact that its meaning is highly context-dependent.

Having analysed the implications of the literacy practices students brought with them for their argumentation at the level of form, in the next section I focus the analysis on their use of lexico-grammatical devices at the sentence level of their argumentation.

4.7 Sentence-level analysis

4.7.1 Students' struggles with legal discourse at sentence level

In attempting to understand the ways in which the students' ESL status shaped their induction into the discourses of their postgraduate disciplines, I asked students the following question in their first interview: "*Do you still feel that language is an issue for you at the postgraduate level?* An aspect of language which students brought up was referencing. Babalwa maintained:

We don't really know what we are supposed to do because whereas when you go to the Humanities they give you the referencing, they actually type it up, this is how you do it. They actually spend time in tuts showing us this is how you do it. Whereas at the Law faculty they kind of assume that you know it...but even if the net is there it's not that helpful at all. You have to put that into practice and where you look at it in terms of how you reference and legislate the case" [PG interview 1, 2005].

Even though the writing of all three students reflected awkwardness with referencing within the discipline, it was the main feature of argumentation which Babalwa highlighted as being different about her new discourse community. This prompted her to once again write about unlearning what she had learnt in her undergraduate years in her postgraduate reflection paper: "The biggest change for me basically is firstly the referencing. The referencing is quite different because here you use footnotes. And I

haven't mastered that and now the biggest thing is that I have to unlearn what I learnt in my first year and redo everything" [PG reflection paper, 2005].

Their responses to this question also pointed to how students conflated grammar and language in explaining their struggles with legal discourse. They spoke of grammar in terms of "good English", "being eloquent", and the need to "be brief but capture everything" as is evident in the following statement from Noluthando:

In the Law faculty you are told to be brief but capture everything, being brief. And it is quite a challenge to a certain extent because it requires one to know English grammar better, it requires one to be good in English because I think that's what they are trying to train us to be good lawyers who are very eloquent, good in speaking and good at writing. So, it is a bit of a problem. Even now, I was telling somebody today, I don't know what's wrong with my writing skills, either I'm slow in writing or slow in thinking or I just don't know how to write in legal terms or in legal discipline which requires very good grammar. It's still a struggle [PG interview 1, 2005].

Students' descriptions of their challenges with language also included statements such as "when it comes to saying something, you don't know how to say it" [Andrew, PG interview 1, 2005]. In their third year undergraduate interviews, the students spoke of how they were in the process of overcoming their difficulties with language, a problem which had caused significant anxiety in their initial year at the institution. However, upon graduating into the Law discipline, the problem resurfaced for Andrew and Noluthando. While all four students spoke of the importance of language in their new context, Andrew and Noluthando were more forthcoming in the way in which they spoke of it and the extent to which they perceived it as still posing a problem for them at postgraduate level. They both linked this directly to their ESL status. In his undergraduate reflection paper, Andrew brought up the issue of language, once again describing it as a problem of grammatical expression:

One other obstacle I had to endure and still having difficulty with, is grammar. This is one area in my writing which I seem unable to overcome. And sometimes it creates the difficulty for my lecturers to understand my arguments. This is an area that becomes more and more visible in my writing but I am unable to deal with the problem adequately.

He then proceeded to describe how he was attempting to address this challenge:

“However, I am trying my best, by continuing writing drafts and I have come to the point where I ask my friends who are more fluent in English to prove read my papers before submitting” [Reflection paper, 2004). In his postgraduate interviews he described how language had remained a problem for him:

Actually yes it still is [a problem]. I definitely still think language is a challenge for me and I think its something I’ll constantly grapple with even though I find myself even more and more conversing and interacting in the medium of English. But I think it’s constantly a problem because I still battle with issues..., yeah I graduated so, so, I hope it is not that evident as an issue but it is an issue. It also limits you in a lot of ways especially when it comes to saying something, you don’t know how to say it. It’s there in your mind but it can’t come out because you don’t know how to say it. It also grips you when you have to speak publicly. Like in a lecture or in a context where you have to speak openly. It becomes an issue where you become aware that it’s not your language and you may probably say something in a wrong manner. It is always a sort of reminder to us of language issues [see PG Interview 1, 2005].

Harold and Babalwa, however, were not as forthcoming on the issue. In his undergraduate reflection paper, Harold spoke of the language issue in general terms, rather than stating how it affected him personally in his first three years at the institution. In responding to a question which sought to find out what he thought constituted good writing he maintained:

Many tutors see the use of good English as a sign of a good essay, not looking into factors such as that many of the students are from disadvantaged schools where sometimes English was their second language. This therefore is just one of the facts that need to be looked into before we can establish the difference between a good and bad essay [UG reflection paper, 2004].

When we discussed language in his postgraduate interview he continued to distance himself from the issue, choosing not to identify it as a challenge for him. However, his feedback from his tutors and lecturers suggested otherwise. In their Crime and Criminology essays, for example, both he and Andrew were chastised by the marker for poor language. In one essay on plea bargaining where the marker focused mainly on correcting the grammatical errors in the text, Harold was advised to take his work to the Writing Centre: “Your essay is riddled with spelling and grammar mistakes....I’ve made detailed comments, please read them and make an appointment with the Writing Centre. It is important that you improve your writing skills” (marker’s comment). He failed the essay, obtaining 48 percent for his efforts.

The ways in which students characterised language in their statements pointed to the difficulty of working with, and presenting the language of Law. The statement in which Noluthando described her challenge with saying and writing things in a correct manner pointed to a bigger struggle with engaging with legal discourse at a micro-level. With the students’ perceptions of their language problems in mind, I conducted an analysis of their writing to explore the exact nature of their challenges. I focused on the following: their use of modalization, lexical precision as well as their use of the rhetorical structures of the genres they produce. The following were all considered in terms of their appropriate use within a legal context. My analysis, first and foremost, reflects the ways in which students attempted to become members of the wider discourse community of Law through the ways in which they position themselves. This is evident in their choice of lexical items, and their attempts at using the rhetorical structures of the legal genres they produced. The challenges with this process are what students classified under the collective banner of “problems with grammar”. Before I present the data yielded by my

linguistic analysis, I describe legal discourse in an attempt to demonstrate how the challenges experienced by the students can be directly attributed to its complex syntax and lexis.

4.7.2 Characteristics of legal discourse

The centrality of language to the law has been well documented in studies on legal discourse. These studies point to characteristics of legal discourse such as its distinctive lexical features (Danet, 1985). In her analysis of a legal genre called the ‘Assignment’, Danet makes reference to the use of archaic expressions such as ‘hereinafter’ and ‘hereto’, doublets such as ‘aid and abet’ and unusual prepositional phrases such as the frequent use of ‘as to’ as well as “common words with uncommon meanings” such as ‘assignment’ and ‘reasonable’ (p. 279 – 281). At a syntactic level, theorists such as Gustafsson (1984) have commented on sentence length and complexity in legal register (see also Charrow & Charrow, 1979 on subordinate clause embedding as a prominent feature of legal discourse). In describing the language of the law, studies have also noted its verbosity which directly contradicts its attempts at precision (see Mellinkoff, 1982 for a detailed examination of this phenomenon). These studies all highlight the highly specialised nature of legal discourse, a phenomenon which has given rise to the ‘plain language’ movement which advocates for the use of plain English in legal writing.

In terms of values and attitudes, theorists have also made reference to the legal profession’s endeavours to conserve its elitist character. Goodrich (1987:171), for example, states, “... legal discourse is embedded in a highly specialised and self-conscious way, in institutions of a high social status and prominence, to which access or professional entry is severely restricted”. The students are very aware of the gate-keeping effects of legal discourse as they attempt to gain membership into the field. Andrew’s postgraduate reflection paper sums up this characterisation of legal discourse. His response to a question asking him to define his new academic community is as follows: “It is very different ... as there is a standard form of what is [an] acceptable way of

arguing and writing law and it is very complicated” (PG reflection paper, 2005). In the light of these descriptions, I aimed to get a sense of how the students engaged with legal discourse in their writing and the extent to which they were able to draw on and engage with specialised legal discourse. I also aimed to understand how the texts they produced positioned them through their use of various lexical and grammatical devices. In considering their use of legal terms, I noted and commented on their linguistic choices which I considered in relation to available linguistic choices in the field. Fairclough (1992:110) maintains that, “In order to interpret the features which are actually present in a text, it is generally necessary to take account of what other choices might have been made, i.e. of the systems of options in the discourse types which actual features come from”. My analysis of their use of modalization draws on Hyland’s (1998; 2000) stance and engagement model in which he explores the ways in which writers present themselves and their positions through their use of various modals.

4.7.3 Lexical precision: exploring lexical choice in students’ writing

As stated earlier on in this section, legal language makes use of precise terms/vocabulary to realise meaning. My analysis of the students’ lexical choices shows how they occupied the position of novice writers who were in the process of being inducted into the domain of legal writing while simultaneously reflecting their attempts to position themselves as legitimate members of the discourse community for which they write. As is to be expected, their novice status was more evident in the early writing which they produced in the first four months of the first semester of their postgraduate studies. This early stage of their induction into the discourses of Criminal Law reflected their attempts to present themselves as legitimate members of the community for which they wrote. In a PQA written in March, Harold had to determine the criminal liability of two school prefects. He wrote the following in his ‘applications of law to facts’ reasoning move:

Both the accused [Albert and Boris] are school prefects and with this title comes certain responsibility, one of which is conflict management and the protection of

other students from being bullied. It can be inferred that the two accused hold some form of public or quasi-public office and therefore is required of them to act in prevention of conflict or possibility of assault. Both these accused therefore can also be held liable for the death

His use of the terms ‘inferred’, ‘possibility (of assault)’, ‘liable’, ‘acquittal’, positioned him as a member of the discourse community for which he was writing as he used them appropriately and was aware of the meaning they communicated to his audience in that context. However, his use of the lexical item ‘death’ at the end of the paragraph signalled his novice status. His tutor corrected his use of the term by underlining it and suggesting that he substitute the term with a more context-appropriate one. She wrote “CH or murder’ in the margins. Underlying her use of the abbreviation CH (for culpable homicide) was an understanding of Harold and herself as members of the same discourse community and of therefore having a shared appreciation of what the abbreviation stands for in their context. Fairclough (1989:116) writes about how “a text’s choice of wordings depends on, and helps create social relationships between participants”. Based on the marker’s feedback, it is clear that it is this relationship that she was attempting to nurture.

The following paragraph reflects Harold’s response to the marker in the way in which he attempted to situate himself as a member of his discourse community. He wrote:

Burchell (2005) indicates that a person who is a victim of an unlawfull attack upon person, property or another recognised legal interest must resort to force to repel such an attack. In order for a situation of private defence to arise there must be evidence that there was such an attack, upon a legally protected interest and that the attack was unlawful. The defence needs to induce evidence that it was necessary to avert the attack, that it was a reasonable response to the attack and that the response was directed at the attacker. The test for successfully raising the private defence as defence is determined objectively by determining the nature of

the attack and the defence to determine whether they conform with the principles of law.

His use of language positioned him as a member through his use of the underlined lexical items 'defence', 'private defence', 'reasonable' 'raising'. However, as in the first example, his use of the term 'induce' instead of 'adduce' reflected his attempts at drawing on legal discourse and his efforts as a 'becoming member' of the legal community. In a later PQA, he managed to use the item appropriately and the lexical items on which he drew pointed to his increasing awareness of legal discourse: "If the accused, Jabulani, can adduce evidence of continuous provocation and emotional stress that they have experienced from the deceased and that at the time of the incident he believed once again that the accused provoked him, a complete acquittal may result".

This increased use of relevant legal discourse through an appropriate choice of lexical items was also evident in Andrew's April PQA where he was required to consider the criminal liability of an accused who suffered an epileptic fit while driving, and collided into a pedestrian and several other vehicles:

From the facts of the court, it is clear that the accused [Victor] had prior warnings of a possible seizure unfolding when he entered his vehicle and put it into motion. Victor is subject to a history of seizures since the age of 14 and usually got warnings five to ten minutes before an attack. On the day of the collision it is clear from the facts that Victor had such warnings but chose to ignore it. Even though his reckless driving was subject to his involuntary nature because of seizure, one cannot ignore the prior voluntary conduct of Victor, meaning having knowledge about his physical condition and still ignoring warnings about the seizure. According to Burchell, negligence is a sufficient element of fault and we see this fault build into the voluntary conduct of Victor when he entered and put an engine into motion.

In the above PQA, Andrew's writing and lexical choices reflected an awareness of the significance and the role of the established facts in the 'applications of law to facts' reasoning move, or the moving of data through relevant warrants from a Toulminian perspective. There is evidence of more legal discourse in the lexical choices he makes, such as 'prior', 'subject', 'unfolding', 'build', and 'fault', all of which have ideological value in the field. The lexical item 'such', which functions as an evaluative determiner, is one that is valued and used frequently in legal discourse. Also significant is his use of the first person pronoun 'we', which he uses inclusively to position himself as a member of the legal community.

Babalwa's use of legal discourse in a case summary which she wrote at the beginning of March similarly reflected an awkward use of language within her context. Under her summary of the facts at the beginning she writes: "The case for the plaintiff was that the mother lost her amniotic fluid due to negligence of the vehicle controller, of which consequently led to the child suffering from cerebral palsy". Her marker questioned her use of the phrase 'vehicle controller' by underlining it and writing 'other driver' next to it. While Babalwa's use of words such as 'plaintiff' reflected her acknowledgment and awareness of her context's specialised use of language, like Andrew and Harold, her ignorance of the weight of a seemingly insignificant phrase like 'other driver' in the legal context indicated her novice status.

4.7.4 Length and lexical density of sentences

Lengthy and complex sentences are characteristic features of legal discourse. According to Stewart-Smith (1999:39) the reason behind this is "the need for the [law] to regulate behaviour generally, not simply specific acts, but yet maintaining sufficient detail to guard against loose interpretation". She maintains that another reason is that related ideas need to be held together in a single sentence. This results in clause embedding, where the sentence is constituted of main as well as subordinate clauses. Due to this, legal register sentences therefore tend to exhibit a high lexical density. Lexical density refers to the number of content-carrying words in a text. Halliday &

Martin (1993: 76) define lexical density as “a measure of the density of information in any passage of text, according to how tightly the lexical items (content words) have been packed into the grammatical structure”. Since a high lexical density is viewed as effective writing within the field, I analysed the students’ writing to see the extent to which their texts displayed this feature.

The students’ early Criminal Law PQAs, written in the first four months of the first semester, had a low lexical density as opposed to those written from July onward. Thereafter, both Harold and Andrew’s writing reflected a shift in the complexity of their writing as evidenced by an increase in lexical density and the frequency of embedded clauses in the PQAs produced in the second half of their postgraduate year.

Below are extracts from two of Andrew’s PQAs, the first submitted as his very first tutorial and the second submitted in the month of August. Because the first PQA that he submitted was very short, I have included the whole text below:

Tutorial assignment 1

The accused, Dlamini, is charged with the murder of Amos Skosana on 13th June 1954, at Pangola in the district of Piet Retief. Crown witness of the case is Gideon. It appeared that the deceased has been stabbed 3 times with a knife. Accused acted mechanically without intention, volition and motive. It also seemed that the accused just awaken out of a nightmare when he conducted the act.

The Court needs to determine whether the accused had acted out of involuntary conduct with criminal capacity. And further to this whether there was motive, and intention for the act.

The Court relied on the accounts of the witness [Gideon] in order to determine whether there was motive during and prior to the incident and if the conduct was involuntary during and prior to the incident. It also relied on previous cases to establish the outcome.

The accused, Dlamini was found not guilty, acquitted on the basis that he was acting involuntary and had no motive or intention.

In this PQA the short length of his sentences is immediately noticeable. The tutor’s feedback indicated that Andrew’s answer should have been more detailed. Her comments also indicated his failure to provide a review of authorities or applicable sources of law as

well as to the way he has structured his argument (I provide a detailed analysis of these two aspects of his argumentation in this PQA in part one, section 4.5.3.2). The lexical density as well as the grammatical intricacy of the entire PQA is relatively low, comprising 59 content-carrying words out of a total of 166 (see underlined words). The sentences have one main clause per sentence or are incomplete. An example is the sentence, “It also relied on previous cases to establish the outcome” (one clause) and “And further to this whether there was motive, or intention for the act” (incomplete sentence).

The PQA he produced the following month, in April, was significantly different to the one discussed above. In this PQA the accused, a driver, suffering from epilepsy, suffered an attack while driving and collided into pedestrians and other road users. Andrew had to consider the extent to which the accused can be held liable for negligence. There was a marked visible improvement in the linguistic choices he made in presenting his argument. Besides displaying an improvement in his ability to draw on relevant case sources, his sentences showed an increase in lexical density. At the beginning of the PQA where he presented the relevant legal issues for the reader he wrote:

However, according to the legal principle of **action liberia in causa**, even though one’s action seem to be involuntary at the time of the incident, one can still be held liable for one’s actions prior to that ‘involuntary incident’. The basis of action libera in causa liability is a prior voluntary act, accompanied by fault, which is causally linked to the unlawful consequence. Moreover, this principle applies to consequence crimes. Referring to the case of R v Schoonwinkel 1953 (3) SA 136 (C) [9] the accused was charged with culpable homicide after a collision resulting from an epilepsy resulting in the death of one person. However the accused was acquitted prior conduct was causally linked to consequence of death. Therefore he cannot be held criminally liable for his actions, there is no indications of negligence (culpa) with sufficient fault element in principle of action libera in causa. The state further needs to establish whether the accused’s conduct was based on negligence (culpa) in order to be guilty of culpable homicide or even reckless, negligent and drunken driving.

In this portion of the legal issues section alone there is a marked increase in the proportion of content- carrying words over grammar words. The above paragraph contains 103 content-carrying words out of a total of 177. Also, the sentences in this section of his PQA are more complex, containing more than one single independent clause. In the section where he sets out the legal principles he argues:

The leading case in the debate surrounding the defence of provocation/emotional stress is that of *S v Eadie* which has shown that // where the Supreme Court of Appeal has comprehensively reviewed the jurisprudence on provocation and emotional stress, and indicated that, // although the test of capacity might still remain in principle essentially subjective, // the test has to be approached with caution.

The above sentence is characteristic of legal register in that it contains the main clause “The leading case in the debate surrounding the defence provocation / emotional stress is that of *S v Eadie* which has shown that the test has to be approached with caution”. Within it are two embedded clauses which serve to highlight the significance of certain actions for the validity of the test; in this case the reviewing of the jurisprudence on provocation and emotional stress by the Supreme Court of Appeal.

4.7.5 Modality

Another significant improvement over time is in the ways in which the students expressed their point of view in relation to the knowledge of the discipline. They achieved this through the use of modality. In describing the expression of point of view in legal discourse, Maley (1994) makes reference to two types of modality, namely, modulation and modalization as distinguished by Halliday (1973). According to Halliday modulation expresses the varying degrees of obligation and inclination. Examples of these include words such as “should”, and ‘must’. Modalization, on the other hand, expresses varying degrees of probability. Probability statements are described by Eggins (1994) as statements where the speaker expresses judgements as to the likelihood or probability of something happening or being such as ‘could’ and ‘might’. Since the first section of the PQA presents the established facts, which represent the accepted version of

events, probability statements tend not to feature here. They mostly feature in the consideration of the relevant legal issues and in the ‘application of law to facts’ legal reasoning move where the writer has to determine the liability of the accused in light of the facts presented, thereby making this the appropriate place to consider probability. Harold’s writing reflects appropriate use of both modalization and modulation in the ‘application of law to facts’ reasoning move of a PQA he wrote in August:

In determining whether the statute exclude culpability, it is clear that there is no use of similar words or expressions elsewhere in the Act and there are no clear meanings of similar words elsewhere in the Act. Secondly, it is clear that the crime that the accused created is not in the best interest of public welfare in that a taxi that is not registered to an organisation makes the people pay for its service could create dispute which could result in the taxi warfare which is not in the best interest of the public. On the third factor, the punishment for contravening regulation 1 and 2 as stipulated in regulation 3 of the prohibition, shall be a fine of R10 000. This punishment is very steep when looking at the socio-economic status of the people in South Africa and it would be difficult in establishing the state of mind of the accused as we need to determine the reasonableness of their belief and to what extent it would be genuine. In this instance it is unclear as to whether it could be indicated that the prohibition allow for strict liability however that is highly unlikely looking at the prohibition itself. With regard to the latter then the accused could be found guilty of contravening the regulation and punished accordingly. On the second charge, looking at the facts, the accused was a taxi owner and in so doing must be aware of the regulations.

In this paragraph, Harold skilfully achieved the balance between boosting and hedging. The references he made to the contents of the legal Act which he used to support his claim are both preceded by high modality in his use of the boosters ‘it is clear’ and ‘highly unlikely’. He used these alongside the low probability modal auxiliary ‘could’ to express tentativeness, a possibility that the event in question might occur. This use of low modality in this section of the PQA was appropriate as the aim is to consider likely legal outcomes based on one’s application of the law to the facts. Also, his use of the high modal “shall” rather than “will” was indicative of his awareness of the

significance of the term in the expression of high formality in legal language (see Danet, 1985).

In a PQA produced by Andrew at the beginning of April on drunk driving, he similarly displayed appropriate use of modulation in the ‘application of legal principles to facts’. In accordance with genre expectations, this section of the PQA displayed a high number of **probability statements** which is different from an earlier PQA where these were not evident. Juxtaposing the two paragraphs which make up the ‘application of law to facts’ reasoning move in these two PQAs clearly shows this shift:

The Court relied on the accounts of the witness [Gideon] in order to determine whether there was motive during and prior to the incident and if the conduct was involuntary during and prior to the incident and if the conduct was involuntary during and prior to the incident. It also relied on previous cases to establish the outcome. The accused Dlamini was found not guilty, acquitted on the basis that he was acting voluntarily and had no motive or intention.

and

In the present case determining whether the accused can be held criminally liable for a statutory prohibition, the court must determine if he *acted voluntarily*, with mens rea and the conduct unlawful and he had the capacity. There is no doubt that the accused conduct was in fact voluntary, he had the capacity and that his conduct was unlawful. ...It is clear that the accused failed to inquire about the possible regulations governing the taxi industry. For culpa it is required that the accused could and should have been aware of the wrongfulness of his conduct. Further, a reasonable man (R v Mbombela 1933 AD 269) in his state would before an embarkment of a new venture, would have find out as much as possible information about the taxi industry, he failed in that.

The earlier PQA reflects Andrew’s distance from the statements he put forward. The statements leading up to the last one where he presented his claim/judgment did not contain any linguistic markers that expressed his point of view. In the second extract, however, the interpersonal relationship he was attempting to build with his reader was

obvious in his use of modality. In this PQA, produced in August, the accused, a taxi driver, transported passengers illegally without a valid permit. Andrew used modulation in the form of the modal of obligation ‘must’ to highlight to his reader the need for the state to rule out all the relevant legal issues such as *mens rea* and ‘capacity’ in determining the criminal liability of the accused. He appropriately intertwined his use of modulation with modalization through his use of ‘no doubt’ and ‘it is clear’ to express a high degree of certainty that the accused was guilty of unlawful behaviour as he had acted voluntarily, and was therefore criminally liable. Through the use of these high modals, he securely situated his reasoning by drawing on the established facts of the case, a move he failed to make in the same section of his earlier PQA. Unlike the early PQA, the statements leading to the final statement where he clearly maintained that the accused failed to obtain the necessary information clearly show how he arrived at that claim. Gibbons (1994:54) expresses the precision of modal use in legal discourse in the following way:

The body of the statute which follows has as its central task the identifying and empowering of rights and duties relevant to the domain of experience it is regulating. There are two chief ways of doing this – by saying what must be done and what may be done, what are called in law mandatory or directory or discretionary or permissive rules. Linguistically this is achieved by the use of modals ‘may’ ‘shall’, and ‘must’, which carry the meanings of permission, ordering and prohibition.

In Andrew’s sentence, the modal ‘must’ serves to highlight its obligatory as well as its exclusionary function which he drew on effectively to explain the claim which he put forward in concluding his argument. Below, I provide an overall analysis of the students’ use of interpersonal metadiscourse in the form of stance and engagement features in their Criminal Law PQAs as well as in their Crime and Criminology essays (see chapter 3, section 3.6.3.2 for a discussion of stance and engagement features).

Table 2: Stance and engagement in Criminal Law PQA texts

Feature	Harold (67 %)	Harold (Q 9)	Harold (Crim. Law Tut)	Harold Part 2 of Crim. Law 1	Harold (Proble m13)	Andrew (Tut 1)	Andrew (Problem 1)	Andrew (Victor)	Andrew (Problem 9)	Total
Stance										
Hedges	11	4	2	1	1	0	1	0	1	21
Attitude marker	0	0	0	1	0	0	0	0	0	1
Boosters	1	3	0	0	0	0	1	2	2	9
Self-mention	1	0	0	1	0	0	1	0	0	3
Engagement										
Reader ref	0	1	0	0	0	0	1	1	3	6
Directives	0	0	0	5	0	0	3	0	2	10
Questions	0	0	0	1	0	0	0	0	0	1
Shared knowledge	0	0	0	2	0	0	2	0	0	4
Asides	0	0	0	0	0	0	0	0	0	0
Total	13	8	2	11	1	0	9	3	8	

Table 2 provides a breakdown of the two students' use of stance and engagement features in their PQA texts. The lack of hedges in most instances of the PQA is reflective of the genre's rules, suggesting that since the 'application of facts to law' reasoning move deals primarily with established facts, hedges would not apply. However, in those instances where hedges are deployed, they are used to reach tentative conclusions as to the criminal liability of the accused. In cases where the facts are not clear, students are expected to speculate what the probable action is, but here again they are expected to do this in light of the stated and established facts. Where Harold has used a lot of hedges (11 to be exact) is where he had made a number of assumptions with regard to the facts. Instead of calling upon established facts in his attempt to justify why the accused should not be found guilty, he depended on his own assumptions. Here, he should have been making use of boosters as his facts had to be clearly established so as to persuade the reader of the validity of his claim. However, he did not achieve this, as his tutor's comments

indicate in one of his paragraphs in his conclusion: “you can’t just decide this on gut feel.”

In both Harold and Andrew’s writing there were more stance features (total 34) than engagement features (total 20). Significantly though, there were more engagement features (8) in Harold’s part 2 essay where he wrote about South Africa and the social problems evident there (see section 4.5.3.3.1 for a discussion of this PQA). This is significant when viewed in the light of his interview where he discusses the writing of this particular PQA and his statement that this second part of the PQA enabled him to draw on his Psychology identity, thereby resulting in a more confident approach to this task.

Table 3: Stance and engagement in Crime and Criminology essays & Research module

Feature	Harold 9 March 2005 – Foundations of Criminology –The Classical school	Harold 24 June 2005 Book review	Harold 23 August 2005 – South African Criminal reform – achievements, failures and challenges	Andrew 9 March 2005 – Positivist school of Criminology	Andrew 5 April 2005- Case study of selected criminological texts	Andrew 24 June 2005 – Book review	Andrew Research module 17 March 2005	Total
Stance								
Hedges	0	1	3	0	0	1		5
Attitude mkr	0	0	4	0	1	1		6
Boosters	0	1	2	0	1	3		7
Self-mention	0	1	0	1	4	2		8
Engagement								
Reader refs	0	0		0	1	4		5
Directives	0	2	2	0	0	0		4
Questions	0	0	0	0	2	0		0
Shared know	0	1	0	0	0	0		1
Asides	0	0	0	0	0	0		0
Total	0	6	11	1	9	11		

In the book review written later on in the year, in June, Andrew failed to include his own opinion and critical assessment of the relevant theories. He compared the theories in turn but did not state his position on these, something which he did slightly better in the earlier essay written in April. The number reflecting reader references (4) in the June essay represented his use of the word “you” when he gave examples. Andrew’s use of this feature is significant when considered alongside the comments he made regarding what he perceived as the impact of the writing he produced for Criminal Law on his voice. Earlier in the chapter, I refer to Harold and Andrew’s preference for Crime and Criminology essays over those of Criminal Law. Both students spoke of how they perceived the Crime and Criminology essays as enabling more of an engagement with knowledge and the audience. They both felt that these essays opened up the space for their ‘voices’ as academic writers. However, the above table reflects the relatively low use of stance and engagement features in this corpus of data, suggesting that their presence as writers was not achieved to the extent to which they perceived in their interviews. The students’ struggles with ‘voice’ are discussed in detail in section 4.5.4.

4.7.6 Use of legal rhetorical functions of the PQA and their corresponding rhetorical structures

The genre of the PQA seeks to determine culpability/criminal liability and therefore focuses on the legal rhetorical functions of **causation**, **concession** and **condition**. The corresponding rhetorical structures of these functions typically are: “But for X, Y would not have been injured” (causation), “Although X can show Y, she/he may still need to show Z” (concession) and “If X had done Y, he/she would not have been liable” (condition) (see Bruce, 2002 for a detailed discussion of these rhetorical structures). I was interested in the students’ use of language to deploy cohesion and coherence devices appropriately, particularly rhetorical markers of logical relations between clauses and sentences. In analysing the students’ texts, I focused on the ‘application of law to facts’ reasoning move as this is where the writer conveys their judgements and interpretations of the facts and where they would typically deploy these structures in building up to the judgement. My analysis shows how the two students’

experiences with deploying these structures or patterns in their writing varied. Andrew's texts, for instance, reflected relative ease in framing his argument within these structures while Harold's were indicative of a struggle.

Andrew's first PQA represented his awkward attempts at mimicking the discourse of Criminal Law and that of the genre. Subsequent PQAs, however, showed his growing awareness of the genre's rhetorical structures in presenting his argument. In the PQA where he had to determine the criminal liability of a taxi driver who drove recklessly without a permit he presented his reasoning within the rhetorical function of **condition**, framing it within its corresponding rhetorical structure "If X had done Y, he would not have been liable". This is illustrated in the extract below:

In the current case the facts indicate that the accused has no knowledge that he was supposed to have a legal permit in order to operate his taxi business. However, as seen in the case law there is a consensus with the approach taken in court that it can be expected from a person who is operating in a specific sphere to keep him/herself informed about the legal provisions relevant to that location. It was up to the accused to at least familiarise himself with the operation of taxis.... It is clear that the accused failed to inquire about the possible regulations governing the taxi industry. A reasonable man (R v Mbombela 1993 AD 269) in his state would before an embarkment of a new venture, would have find (sic) out as much possible information about the taxi industry. He failed in that.

Andrew started out by considering the given facts, acknowledging the accused's state of ignorance regarding the regulations of the taxi industry before arguing the point that if the accused had taken steps to access the necessary information on taxi regulations he would not have been criminally liable. He used the contrast transitional word 'however' to signal the transition in his argument, where he presented his main argument; that if the accused had done x the legal outcome would have been positive. His use of 'however' therefore served to promote the coherence of his argument.

He again expressed his claim appropriately through the relevant linguistic devices in another PQA where he had to consider the issue of negligence in order to determine whether the accused could be held criminally liable for driving under the influence of alcohol (see section 4.5.3.1 for a more detailed discussion of this PQA). He expressed **concession** in the following statement, “Even though Boozer was unconscious while driving, this does not dispute the fact that he was acting negligent. Boozer should not have gotten intoxicated in the first place and secondly occupy the vehicle while under the influence”. He is commended by the marker for his expression, “the way you have structured your answer ... and your style of writing is in general very good. Keep it up! You are on the right track”.

Harold, on the other hand, struggled with expressing the relevant rhetorical structures and in his argumentation. In a PQA in which he did relatively well in terms of the percentage he was awarded -- 67% -- his tutor /marker noted his ‘unclear expression’ (marker’s comments). This was visible where he attempted to use the rhetorical structure for concession to argue for a positive outcome, “Although X fails to meet this criterion (negative), he meets this key criterion (positive) [and so likely conclusion positive]”. He wrote:

That it is clear from the facts that there was an attempt on the part of the sergeant to arrest the deceased, and that the suspected resisted the attempt and fled fully knowing that there is an attempt being made to arrest him **and even though the suspect stopped the car he continued to flee and running towards a train station and in such circumstances the sergeant reasonable foresaw the possibility that the only means of arresting the deceased was by using force. I would believe that the sergeant looked into the surrounding area to make sure that there was no possibility of innocent bystanders being hurt in the process and acted with instinct knowing that the possibility of using force when the deceased is in the train station is very slim acted within the bounds of the law.**

The bolded section in the above sentence is where Harold attempted to use the rhetorical structure of concession but his efforts were not successfully realised because of the way he structured his sentence. He used 'even though' to signal that while he was aware that the accused did indeed stop the car as was instructed by the sergeant, this needed to be considered alongside the fact that the accused then continued to flee on foot, leaving the sergeant with no option but to shoot at him. In describing the rhetorical pattern of concessive statements, Bruce (2002:19) writes, "In arguing towards our own favoured position, it makes strategic sense to concede points that might be uppermost in the listener/reader's mind, and then challenge those points with our own argument. The end-focus can then be seen as closing an argument with salient information". However the end of the sentence, which contained the salient information in Harold's argument, was poorly structured which served to compromise the validity of his main argument. It seems that the attempt to express meaning within the rhetorical structure in question was an overwhelming exercise for him. In their study of English second-language postgraduate students, Bitchener and Basturkmen (2005) identified overlong, complex sentences as one aspect of postgraduate second-language speakers' struggles. This struggle then caused a breakdown in meaning. While Harold is aware of the discipline's tendency to use embedded clauses in its argumentation and indeed attempts to incorporate this feature in his presentation of the rhetorical structure of concession, his struggle with legal discourse negatively affects this attempt.

My critical analysis of students' engagement with the discourse conventions that shape the genres they are required to produce sheds light on the ways in which this process came to signal, in various ways, their membership within the legal discourse community. The analysis of their writing shows the ways in which they attempted to be a part of the discourse community for which they wrote. In the next section, I discuss the extent to which students felt they belonged in the Law discipline. The data reflects how their feelings of belonging or not belonging could be explained in terms of the extent to which they felt invested in their discipline.

4.8 Disciplinary belonging

In the reflection paper which students wrote in the second semester of their postgraduate year in October, I asked them to comment on the extent to which they felt they belonged in the Law faculty *via* the following question: *Do you feel that you belong in your discipline?* Andrew's response to this question indicated the extent to which his previous discourse community of Psychology, which he refers to as 'the internalised discipline' continued to influence his current engagement with Law:

I'm still grappling with the internalised discipline in terms of how I was taught to do things, you know in Psychology, and now I have to learn new ways of doing things. Yeah that's the challenge, I think because it's a requirement, I feel forced. That's the way they are writing I'm in their context and I need to pass so I need to abide by their rules just to pass.

He ended his last postgraduate interview with the following words: "...on the one hand you realize that you are learning new things but you also feel like you kind of lost something along the journey" [PG interview 2, 2005]. It is clear in the way he positions himself in relation to the Law community that he did not see himself as a member. This is evident in the way he referred to the community as "their context" and the rules as "their rules" rather than positioning himself as someone who also had to engage within that context.

Babalwa's response to the question on belonging was marked by hesitation and ambivalence, "I don't know, still...I'm not really settled. I think...I don't know...Sometimes you feel that you are at home and sometimes you feel like you have not grasped that yet. So, you sort of tiptoe around it...". Noluthando's response was less ambivalent. She was very clear in terms of how she positioned herself as a new member of her discourse community:

I don't think I will practice when I'm done. I want the degree, but I will be doing a totally different job – Development, that is for sure. I want to work for an international aid organisation, or go into Politics. If I do practice, I will be just a legal advisor, for some company, just to make quick cash to pay up my study loans, and then I will move on. The law discipline is a very elitist and snobbish and I just don't fit in.

Noluthando's statement represents an instance where she explicitly expressed the implications of her struggles with the transition process for her professional identity. It is evident that, at this stage, she was guided largely by an instrumental motivation as she aimed to work within the field specifically in order to pay her study loans. Her experiences within the faculty thus served to reposition her; from being heavily invested in Law in her initial years at the institution to seeing the discipline in strictly instrumental terms.

At this point, I feel it is important to point out that students' induction into their undergraduate disciplines was by no means unproblematic. While the analysis in this chapter would seem to paint a picture of the discipline of Law being unfavourably compared to those of their undergraduate majors, the undergraduate longitudinal study highlights the challenges students encountered in gaining membership into their undergraduate discourse communities. This was a time that was not without ambivalent feelings and a tendency to question the values and discourse conventions of their majors. What is significant are the ways in which they were positioned by the forms of knowledge, as well as the ways of doing, being, valuing and believing (Gee, 1990) which they brought with them. These literacy practices then impacted on their argumentation at the postgraduate level. When viewed alongside the Law faculty's assumption that the discourses which students bring from undergraduate studies will facilitate engagement with the literacy practices of the faculty, the problematic nature of this assumption becomes evident in the ways in which they struggle with argument construction and indeed with critical thinking within the Law context.

4.9 Investment and feelings of disciplinary belonging

A factor which is closely connected to that of students' feelings of belonging which came up in the data was that of investment. The analysis in this chapter clearly reflects Harold and Andrew's aversion to the discipline's values. The fact that they did not have a vested interest in the discipline to the same extent as the mainstream LLB students did (in that they perceived the degree as a gateway to their first choice, Forensic Psychology and possibly Honours in Psychology) could provide a plausible explanation for their strong reactions to it. While they did acknowledge that they were slowly coming to a realization of the importance of adapting to the culture of the discourse community, this realisation was largely informed by strategic reasons: to "graduate and leave the Law faculty" (Andrew, PG interview 2, 2005). In the process of venting his frustration at his tutor's perceived lack of understanding of their Social Science backgrounds and the consequent need to focus on psycho-social factors in making his claims, Harold expressed how he perceived the role of Criminal Law in his future career: "It's got nothing to do with me doing something". He made this comment as he considered his career prospects, "I could never have been a lawyer. It's not for me; it is too restricting for my mind".

It seems that the students' perceptions of Criminal Law and the way they positioned themselves within its ideological framework were directly related to the extent to which they felt invested in the discipline. This argument becomes more valid when looked at in relation to Babalwa and Noluthando's perceptions of their transition. Notwithstanding their struggles with writing and adapting to the teaching methods within the Law environment, the ways in which they ultimately positioned themselves within the new discourse community were more positive with the emphasis being, more significantly, on their feelings of belonging. While the positive statements could have represented their attempts at convincing themselves that they would succeed against the odds -- the 'can do' language that characterises young people's transitions in Thomson's (2009) study -- Babalwa's statement is reflective of her investment in being in the Law faculty. She

stated: “Despite the difficulties I faced in the first semester, I think I belong here and I was meant to be here - 3 years ago. I think this is what I need to have, a goal – a structure in my life” (PG reflection paper, 2005). Similarly, Noluthando kept a positive mindset despite her anger. While her comments mostly signify alienation rather than belonging she constantly made reference to the fact that her main goal had been to study law and stated in her interview that even though she would not be practising as a lawyer as she had initially planned, she was still determined to work in the field.

4.10 Summary of findings

In this chapter I have shown how the students mostly perceived the discipline of law and its discourse as deterministic, limiting and decontextualised. Relating this to their prior learning contexts, they quoted their Social Science backgrounds as influencing the extent to which they were able to engage meaningfully with the Law discipline’s dominant modes of argument construction and ways of creating and engaging with knowledge. However, their perceptions of the discipline also point to an inability to appreciate the nuances in the workings of Criminal law, as is exemplified in Harold and Andrew’s struggles with the notion of ‘reasonableness’. When the students analysed the discipline and their positions within it, they were doing so not only from the perspective of entering members but also members whose subjectivities were firmly grounded in other epistemologies.

The data serve to highlight what I feel is a significant issue with regard to the acquisition and transfer of skills from one learning context to the next as well as the ways in which students interpreted their own learning. This also includes the extent to which they felt they had successfully mastered the learning of central skills in previous learning contexts. The data presented in this chapter highlight the ways in which the genres within their Law modules significantly limited the extent to which the students could draw on the skills which they brought with them from undergraduate disciplines. This leads one to question whether the skills acquired within their undergraduate degrees complement those required in Law as assumed on the faculty website. The students’ significant

struggle with critical analysis across the different genres problematises the assertion that the skills which they bring position them favourably for engaging with legal studies. While they applauded their undergraduate disciplines for enabling them to include their opinions in their argumentation, their deference to authority at the postgraduate level came at the expense of a critical engagement with these warrants.

My analysis and interpretation of the students' writing also pointed to the ways in which the differences in the epistemological groundings of Sociology and Law served to eclipse their voices both within and outside of their writing. It is also significant that, even though they claimed a sense of a loss of voice or an authorial self in their engagement with the PQA, they failed to make use of opportunities which allowed them to integrate this aspect of writer identity into their argument when they arose within other genres. Even though this is not highlighted as a challenge or as problematic in the marker's feedback in the students' undergraduate writing, the effects of this were felt *via* the markers' feedback as students attempted to become members of the Law discourse community.

Another factor which could be said to impact on students' engagement with disciplinary knowledge concerns the role of tacit knowledge. The role of tacit knowledge in effective engagement with the discipline is not only felt in the production of the written genres and in the pedagogy in general, but in other cognitive activities preceding the writing. The challenges encountered by students in reading judgements in legal cases also required them to draw on tacit knowledge which formed a significant part of the disciplinary *habitus* of the established members of the discourse community. This would include knowledge of the background of the discipline, as well as other discourses which have shaped or influenced the discipline over the years. This knowledge would serve to assist the student in correctly distinguishing between relevant statements and those that merely serve to reflect the influences shaping the ideology of the discipline. Studies on student writers' induction into new disciplines have illustrated the ways in which they have drawn on past writing behaviour in their engagement with the unfamiliar genres therein (see for example, Marsella *et al.*, 1992; Berkenkotter & Huckin, 1995). However, the ways in which tacit knowledge – or lack thereof – affects the induction process have

hardly been considered. One would argue that the impact of this form of knowledge is, by definition, difficult to articulate and therefore difficult to investigate empirically.

However, this study has managed to trace some of the difficulties encountered by the students to a lack of an appreciation of the history of the Law discipline and its epistemology, thereby emphasising the value of this form of knowledge in the acquisition of genre knowledge.

The analysis of the students' lexico-grammar reveals how the students' challenges with this aspect of their writing are a combination of struggles with grammar brought about by their ESL status as well as with legal discourse. While academics (such as those in Greenbaum's (2004) study), as well as professionals in the field, tend to characterise Law students' struggles as being of a grammatical nature, the analysis illustrates how these can be traced to challenges with legal discourse in their use of legal vocabulary and the rhetorical structures of the PQA genre respectively. This is evident in Harold's inability to deploy the rhetorical structure of concession in one of his PQAs. The issues which the analysis of their use of lexico-grammar raise do go some way in contextualising the language problems which are said to characterise Law graduates' writing.

However, the analysis also points to growth. The students' writing did, over time, reflect the expected development in their argumentation and use of legal discourse at the lexico-grammatical level. Their sense of agency was crucial to this process as they questioned and challenged existing discourse practices. Even though the space to do so within the writing was effectively closed off, the study's findings illustrate how students managed to carve out alternative spaces outside of the writing where this questioning and challenging could happen. While studies which consider student writers' agency have afforded insights into the ways in which this agency finds fruition, this consideration is rarely extended to an exploration of the extent to which the contexts within which this agency occurs are enabling (see for example Li, 2007). Rather, these studies have tended to present agency as a product rather than an unfolding process with all its tensions. Furthermore, a majority of the studies which consider student-writers' agency have been at the undergraduate level (for example Herrington & Curtis, 2000). This study illustrates

the processes through which postgraduate student writers in transition come to understand the extent to which they can question and challenge in engaging with the key genres of their disciplines. This constitutes a worthy contribution to research on disciplinary enculturation from an academic literacies perspective. While the analysis of the writing points to a conforming to the rules of the disciplines, the statements from their interviews suggest a resistance to being perceived as full members of the Law community. This paradox of improving while resisting is typical of the experiences of novice writers who are in the process of negotiating access into powerful discourse communities such as that of academic Law.

These insights into students' acts of agency and the consequent actions they take to address their problems also serve to underscore the importance of exploring student writers' literacy practices longitudinally. This enables an appreciation of the ways in which their sense of agency evolves in the course of their learning careers as they negotiate their learning environments. In the next chapter, I present the data from the research participants who were registered for the Marketing diploma. In presenting these, a comparative analysis of their transition experiences and those of the Law students is conducted where relevant.

Chapter 5: The transition into Marketing

5.1 Introduction

In the previous chapter, I analysed the transition experiences of the Law students. The findings show how the students attempted to negotiate the discourse practices shaping the dominant genres within Law while simultaneously attempting to carve out a space for the literacy practices from their undergraduate disciplines. Their struggles with argumentation can be traced mainly to the epistemologies shaping their undergraduate majors. These struggles manifested mainly as a challenge with connecting warrants and claims. In this chapter I focus on the transition experiences of the two Marketing students, Sizwe and Susan. In considering their writing practices I focus on the genre of the written case analysis, a dominant genre within the diploma.

As stated in the description of the study's methodology, the first interview with the students sought to understand how they perceived the transition to postgraduate studies and their initial perceptions of the social practices within their new disciplines. In this chapter, the analysis of social practices takes me beyond the writing to a consideration of the dominant modes of teaching and learning which reflect the practical and applied nature of the Marketing discipline. The data show how, for these two students, their transition entailed coming to terms with presentations by guest lecturers and students. This process also entailed the negotiation of the social dynamics which come with group work, as well as interactions with members of industry in the process of conducting marketing research. It is within the latter that the role of tacit knowledge in engaging with the practical aspects of the diploma emerged, as students' interactions within the discipline extended to the negotiation of emerging professional identities and workplace literacies.

As with the Law students, I analysed the Marketing interview transcripts in order to access the factors around argumentation which they identified as challenging in their new discipline. I then explored the ways in which these perceptions

manifested in their writing. My analysis points to challenges with navigating the structure of the case analysis, particularly in constructing a coherent argument in response to a set of case questions. Similarly to the Law students, this struggle with structure manifested mainly as a challenge with illustrating connections between warrants and claims. However, within the Marketing context, this struggle was a direct result of the differences in the argument structure of the case analysis and the argumentative essays they produced in their undergraduate Social Science disciplines, as well as a result of differences in epistemologies. As the analysis will show, this had a direct bearing on the extent to which the students were able to successfully apply disciplinary theory to the case study. I also argue that Susan and Sizwe's struggles with engaging with the warrants of Marketing can, in part, be traced to their notion of 'audience' as constructed within their undergraduate disciplines. In part two of the chapter I illustrate the ways in which the students' conceptualisation of this notion has implications for their argumentation.

As in the previous chapter, my analysis is shaped around the study's research sub-questions (see chapter 4, section 4.1. for a list of these questions). In part one, I introduce the two students and present their initial perceptions of Marketing and its practices. In the second part of the chapter I present the findings yielded by the analysis of their writing. Before presenting data on the two students' experiences of the transition from Social Science disciplines to Marketing in the Commerce faculty, I provide a description of the discipline into which they graduated.

PART ONE

5.2 The research context: the postgraduate Marketing diploma

The Marketing diploma is one of four postgraduate diplomas offered within the School of Management Studies in the Commerce faculty. The other three are Enterprise Management, Sport Management and Tourism Management. The diploma is made up of twelve half-courses which are split into six courses per semester. All students are required to register for and complete core subjects which are common to all the diplomas before focusing on the applied area of the specific diploma for which

they are registered. One of the twelve courses, which they all have to do, is ‘Business in Context’, a communications course offered by the Professional Communication Unit (PCU), which is located within the faculty. The course, which is described by Susan as “a breeze for students from the Humanities”, offers training on business case report writing and presentation skills, among other competencies.

The faculty brochure encourages students to “make the most of their valuable skills and knowledge” and, similarly to the statement on the LLB website, asserts that “the year-long, full-time diplomas have been developed on the general assumption that students with an undergraduate degree are able to think for themselves, critically analyse information, apply theory and show initiative and creativity in solving problems” (Management Studies brochure, 2005).

The main advertising line of the diplomas emphasises accessing career opportunities for students in possession of undergraduate degrees from Commerce and other faculties. Thus, they are marketed as being “an intensively taught insight into the functional areas in an organisation” (Management Studies brochure). In accordance with its applied nature, the discipline makes extensive use of case studies, action learning, group projects, guest lectures from industry and interactive learning methods, with the main objective being to give students insight into the functioning of real-world business contexts.

In the next section I present the reasons behind the students’ decisions to proceed to postgraduate studies. In presenting these, I simultaneously introduce the students as individuals, through a description of their home backgrounds as well as the environments in which they grew up and received their education.

5.3 Reasons informing the decision to register for postgraduate studies

In their interviews, Susan and Sizwe gave varied responses as to why they decided to proceed to postgraduate studies. Unlike the Law students, whose reasons were largely symbolic and mainly tied to family expectations, their responses were

mainly fiscal in nature, and as I anticipated, reflected strong leanings towards anticipation of future careers in the field.

5.3.1 Accessing the market

Like Andrew and Harold, Sizwe was not accepted into the Honours programme for which he wanted to register. He had planned on registering for Honours in International Relations, but failed to gain entry due to his marks. He was then also turned down for the job for which he had applied and had to find another one. Registering for the postgraduate diploma, therefore, was according to him, the quickest way to achieve this:

They [International Relations] said they need 70 percent or 65 percent average and I didn't get that, I just passed. If I didn't get accepted into International Relations I was going to work in the government sector and after getting a letter from the department which said I'm not accepted, I decided to do management. That's how I ended up doing marketing. It's not something I planned. I didn't have a job and needed to get one so I thought I should register for the Marketing diploma to improve my chances [PG Interview 1, 2005].

This line of reasoning was backed by the course convener in an interview with him in 2007. When I informed him of the reasons behind students' decisions to register for the diploma he maintained:

You can study poetry, for example, in Humanities and it might be great for three years but it's unlikely to get you a good job. So those are the students who realise that and they come through to us. It's not necessarily true that the market can accommodate all the students which we output umm... but I like to think we are quite competitive umm... in terms of the programmes by other institutions and our students do get jobs and do pretty well in the workplace [Interview with programme convener, 2007].

Sizwe's pressing need to find a job after obtaining his degree can be traced back to his home life. He grew up in a hostel¹ in one of the local townships located on the outskirts of the city. His father worked at the dockside in the city and his mother made and sold dresses from home. He attended a school in the community which was within walking distance from the hostel. They moved to another township when his father bought a house. This move necessitated a change in schools when the commute to school by train became unsafe. According to Sizwe, his new school performed relatively well in terms of matriculation results when compared to the other schools in the surrounding area.

Sizwe excelled at school, particularly in History, and was awarded a certificate by the Western Cape Education Department for being the top student in the subject in the province [see UG Interview 1, 2002]. When he was accepted at UCT he had, like Noluthando and Babalwa, initially planned to register for Law but had to settle for a Social Science degree due to inadequate matriculation points. His plan to register for Law courses in his second year did not materialise after he failed a course in his first year. This prevented him from obtaining the required 63% average which would have enabled him to do so. As a consequence of this, he changed his registration from a BA Law to Public Policy and Administration (PPA) in his second year, selecting History and Political Studies as his majors. Like Babalwa, however, he did not immediately give up on his intention to study Law as he stated in a second-year interview: "Remember last year I wanted to do Law but I failed one course so I couldn't make it. So now I'm gonna continue with my degree, then after graduation I will just go to Wits and do Law there" [UG interview 3, 2003].

Sizwe came to enjoy studying in the Social Sciences. He especially loved Political Studies, even volunteering to tutor first-year students in his university residence in his second year. Sizwe made a number of strategic moves in his undergraduate years. One of these was his decision to join the Investment Society, a society on campus which advises students on investing. This membership ensured him VIP entry into a popular nightclub frequented mainly by students. After graduating, this strategising extended to his decision to register for the Marketing diploma. Sizwe

¹ In South African townships, hostels were set up during the Apartheid years to accommodate migrant workers.

graduated in 2007 after having failed one of his Maths courses which he completed at a distance education institution. He then worked for a local non-governmental organisation (NGO).

Susan's reasons for proceeding to postgraduate studies were, like Noluthando's, mainly linked to family expectations as well as the need to improve her chances of employability. Her statements in the second interview suggest that she did, to a certain extent, feel conflicted about having made the 'choice' to continue studying after graduating:

We are having this academic race in my family. We'll see who's going the highest and in the meantime I'm losing. [My parents] want me to study and continue to a Masters degree. They want me to win this race. So now I can kind of force myself to a Masters degree so that I can say, "hey I'm ahead of all of you" I wouldn't mind working and studying. I'm doing all these applications.... Yes at the same time I would really like to go and work... [PG interview 2, 2005].

From this interview extract it is clear how her decision to proceed to a postgraduate diploma was, to a significant extent, a direct response to family pressures. Being a postgraduate student would therefore signal to her family that she was capable of succeeding and gaining a postgraduate qualification. In her first undergraduate interview she spoke of how this was the main factor which influenced her decision to apply to the institution. Originally from Taiwan, Susan arrived in South Africa at the age of ten. Her parents settled in Durban in a rural area where they opened a shop which serviced the Black locals in the area. Susan attended a racially-integrated school in the area. Like her parents, she knew very little English, and mostly depended on her classmates to explain the content in class. She made the decision to apply to the institution "firstly to get away from my parents" [UG interview 1, 2002]. This was similar to Sizwe's need to leave home after graduating, "No maan, Cape Town, I'm born here, studying here, I really need to have a change" [UG interview 3, 2003]. Thomson's (2009) study of young people making the transition to adulthood in the UK refers to how this phenomenon of "moving out in order to move on" (p. 36) is

a significant marker of change and growth. It seems that both students had this notion in mind when they spoke about the need to relocate.

Susan initially registered for a degree in Social Work, but changed her registration in her second year to a general Social Science degree under the umbrella of Organisational Psychology and Human Resource Management. In the course of her academic career at UCT, access to the English language or lack thereof, significantly shaped the extent to which she successfully engaged with disciplinary knowledge and course materials.

Even though Susan constantly referred to herself as ‘dumb’ and a ‘failure’ in the context of her family, her interactions within both academic and non-academic environments, more specifically in her residence, suggested the opposite. She was perceived by the other participants in the undergraduate study as a good example of someone who succeeded in actively socialising across boundaries of race and ethnicity. This was significant at the time as the other students were still in the process of negotiating their place within the institution’s social landscape. She displayed a strong sense of agency in her academic career as well in that she was constantly aware of her linguistic disadvantage and strategically put mechanisms in place to address this disadvantage. An example of this was her friendship with a first-language speaker of English who took on the task of systematically editing her essays before she submitted them. She made use of this resource until she graduated. As I will show later on in this chapter, she also had insightful comments into the ways in which the discipline of Marketing functioned. These included the ways in which power relations played out within the learning process and, more importantly, the ways in which she attempted to address these with her lecturers and tutors. After graduating with a Marketing diploma in 2006, Susan returned to Taiwan where she worked for a Human Resources company.

5.4 Students' initial perceptions of Marketing

In the first interview, I asked the students to describe the literacy practices of their new discipline and what they saw as the central values therein. Similarly to the Law students, their comments went beyond their perceptions of the academic side of the transition and how this shaped their writing practices. The students also commented on their perceptions of themselves as incoming members and how they viewed themselves in relation to members of their new discourse community such as their lecturers and tutors as well as students who had graduated from the faculty. I discuss these aspects of their transition below, firstly their perceptions of the dominant modes of learning in the diploma, and thereafter their social interactions with members of the discipline.

5.4.1 Dominant modes of teaching and learning within the diploma

In their interviews, Sizwe and Susan commented at length on group projects and presentations, modes of learning which differed from the traditional presentation of the lecture in the Humanities. Even though I do not include the group projects in my analysis of their writing as I focus on individually produced texts, I felt that it was important to understand how this mode of learning impacted on their writing practices, as well as their interactions within the discipline as a whole.

5.4.1.1 Group work dynamics

In his description of the process of producing a group report, Sizwe hinted at the effort involved:

Yeah. There are a lot of people [involved], that's the only problem in our groups. The group dynamics, it's so difficult to deal with people who are not contributing adequately. Like, if a person didn't research his or her topic fully we normally have to rewrite his or her part. So that's a very bad thing we have to deal with [PG interview 2, 2005].

However, he also insisted that he found the group work stimulating: “I enjoy working in groups because I learn a lot from the group dynamics even though they can be tricky, and also in solving certain problems. I enjoyed doing that part”. Having said this, he insisted that he missed writing for his Social Science majors as he could write lengthier essays there, which he preferred to the shorter ones he now had to produce in his new discipline: “I don't get to write a lot here, like around fifteen to twenty pages like in my undergrad. In my undergrad I used to do so and I enjoyed it a lot, you know the whole coming up with your argument thing. But now it's just that, I'm actually struggling to writing ten pages. It is so difficult”. He did, however, appreciate the applied nature of the discipline such as the market research which they conducted for their research projects.

In my interview with the course convener, I questioned him about the teaching methods within the diploma. In his response he mainly spoke of the benefits of group-work for learning. In describing their use of group work, he compared the institution with distance education institutions in South Africa:

I think there's this textbook mentality there, you know, they learn the course from the textbook, they write the exam and then that's it. They don't get to engage with other people in group work, and they don't actually present, they don't get to actually talk about what they are doing with other students. I think that actually hurts the likes of [name of long distance institution] and it helps us because our students are confident; they're used to talking to their peers, they're used to presenting to academic staff and they have this confidence and passion and enthusiasm and I think it really stands them in good stead [Interview with programme convener, 2007].

Susan, on the other hand, was not as positive as Sizwe or the programme convenor when it came to producing group projects. In her first interview, she maintained that group dynamics affected the task and as a result felt that this significantly impacted on her ability to be in control of the learning situation. She elaborated thus:

Because, you need to learn to deal with certain people, you need to try sometimes to be a certain type of person even if you really want to do it but you can't. There have been a lot of challenges this year like I had to figure out which side to go to, which direction am I going to and what is going on in the group. There's a lot to figure out but I haven't got the time. Every time I just ask what's exactly is going on, and how is this going to be, how are you going to figure out everything?... if one slacks off, the whole group is affected so the group you are in can make or break you [PG interview 1, 2005].

Susan proceeded to explain the various ways in which she attempted to be resourceful and agentic in this learning situation. In the following statement she explains her attempts at persuading her group members to be creative in looking for sources for group projects:

I kind of use my initiative to look around and find out what's out there. So on Friday afternoon I would gather about five articles probably from the library or from the newspaper. Yeah, I'm kind of like in a desperate situation, so yeah. They would be like, what are we going to do with a newspaper. I would be like, we can use anything. The thing is, this is the thing about Humanities undergrad. They taught us how to make gold out of junk, to see the usefulness in any kind of article. Seriously, I was using that junk and making it into gold [PG interview 1, 2005].

Like Sizwe, she preferred writing essays on her own, something which she appreciated about undergraduate study. In their seminal study of the types of writing required in graduate business courses, Canseco and Byrd (1989) write about how most of the students in their study preferred individual work over group projects. The added pressure of having to negotiate personal relationships in addition to the completion of the task seemed to be the main reason for this preference.

5.4.1.2 Presentations

The second semester is when the Marketing students are exposed to the more practical aspects of the diploma. In that year of the study, there was one major presentation for the Strategic Management Project towards which they worked. In the first week of the second semester, students were divided into groups of seven members and were given a project to work on. They were then expected to provide their lecturer with a weekly update on their progress. These research projects culminated in a presentation of their research findings to a panel which included guest lecturers from industry as well as internal and external examiners.

The presentations were perceived as confidence boosters by Sizwe and, according to him, constituted a mode of learning which made his new discipline markedly different from studying in the Humanities. He referred to them repeatedly in discussing his transition into Marketing, citing them as one of the reasons why he enjoyed the second semester more than the first, which did not have as many presentations. The presentations gave him the opportunity to “improve my public speaking” [PG interview 2, 2005], a skill with which he had struggled in those undergraduate courses where he was required to present.

Susan, like Sizwe, also perceived the presentations as useful for promoting learning. In her interview, however, she made reference to the power relations at play therein. In the following statement she describes presentations in which guest lecturers from industry were invited to give presentations to students.

All of them are very knowledgeable but the thing is from the way you see the lecturers, the presenters, I can see that some of them are not sharing [the knowledge]. They can get the guest lecturers but some of them shouldn't be invited. They are not sharing. They bring company detail, how can they share it with you? There's this staff member who would get these guest lecturers to come and apparently one of them used to lecture right here. He would be like yeah, yeah, whatever, this and that whatever, then you realise that there's something wrong in his company and he doesn't want to share it. I would

think ‘There’s something you are hiding, you are not sharing everything’. Okay, then I figured this one later on, this guy is new in his position and he can get kicked out at any time. Now his company is doing recruitment, recruiting young university students because this knowledge is still at university level. Anyone of us can come out and hit him straight away, right now and he has no chance of surviving. So, if he comes here and shares the knowledge he is hanging himself. He is putting his post in our hands [PG interview 2, 2005].

While Susan felt that the guest lecturer had the power to reveal or withhold knowledge, she ascribed this to the competitive nature of the industry and her view of the lecturer perceiving the students as potential competition.

5.5 Students’ perceptions of undergraduate literacy practices: explaining writing challenges within Marketing

In the undergraduate reflection exercise we asked the students to describe what they thought constituted a good essay and whether they felt that they were good writers. In their second interview as postgraduate students I asked them the same questions in the context of their new disciplines: what they thought was good writing and the extent to which they thought they were achieving this in their new discipline. As I had anticipated, this discussion led to them talking about their challenges in producing the case analysis within the Marketing diploma.

5.5.1 “It’s all about coherence”: perceived challenges in the new context

Unlike the Criminal Law students who pointed to specific instances which they perceived as challenging within their argumentation in producing the PQA, the Commerce students’ responses to my question regarding the challenges they were encountering with producing the genre were mainly under the vague heading of ‘coherence’. Both Susan and Sizwe cited this as one of their main challenges in writing for Marketing:

I would say coherence is more important when you are writing an essay in my discipline. Most of the time I write coherently by pulling out important facts, because before I write I do a lot of research. I collect a lot of books and do a lot of readings and when I'm going to put my work together, like those views from different people, I kind of struggle to make them sound and put them coherently. So it's all about coherence [Sizwe, PG interview 2, 2005].

Sizwe's concern around synthesising information into a coherent text was also evident in Susan's lengthy comment on her new discipline's discourse conventions:

Looking back from undergraduate writing style and practices, and having changed from Humanities to Commerce, I found that Humanities contain more theories whereas Commerce place emphasis on application. For instance, the Sociology assignments and essays need to contain theories and evidence of the readings. As for Commerce courses, the books and theories are still needed but one needs to know the ways to apply these theories. Such as using SWOT analysis in all the case studies, whereas the Sociology would use what other people have written and you come up with your response based on that. You know they ask you to do the SWOT analysis, the environmental analysis, the micro and the macro analysis. Then they later ask you questions. The questions are part of the analysis. So doing the analysis is good because it highlights everything for you. So when you answer the questions you can say because of the analysis therefore this. The thing is when you answer the question part you can't just say this and that, you have to say this is how we get to the answer so the reader can understand your logic. You have to kind of say, my reason was this and that and therefore. So I can see the logic of doing that but at the same time it is difficult putting it together in an argument [Susan, PG interview 2, 2005].

Sizwe and Susan's statements are reflective of an understanding of 'coherence' as defined by Johns (1986). She maintains that coherence should be defined in terms of the reader as well as the text. Given this she defines the term in the following way:

Coherence is text-based and consists of the ordering and interlinking of propositions within a text by use of appropriate information structure. At the same time coherence is reader-based; the audience and the assignment must be consistently considered as the discourse is produced and revised (p. 251).

The students' understandings were largely influenced by their first year academic literacy course's definition of coherence in academic writing. The course introduces students to the concepts of 'cohesion' and 'coherence' through the use of worksheets and in doing so stresses the importance of developing a coherent argument for the reader and for the writer's argumentation. Susan did not explicitly refer to the term 'coherence' in her response. However, it was clear from the last part of her statement that the problem she had with producing the written case analysis did not only include the way in which the task was presented to them - in the form of a set of case questions - but also with how she was expected to produce a coherent structure in responding to these questions.

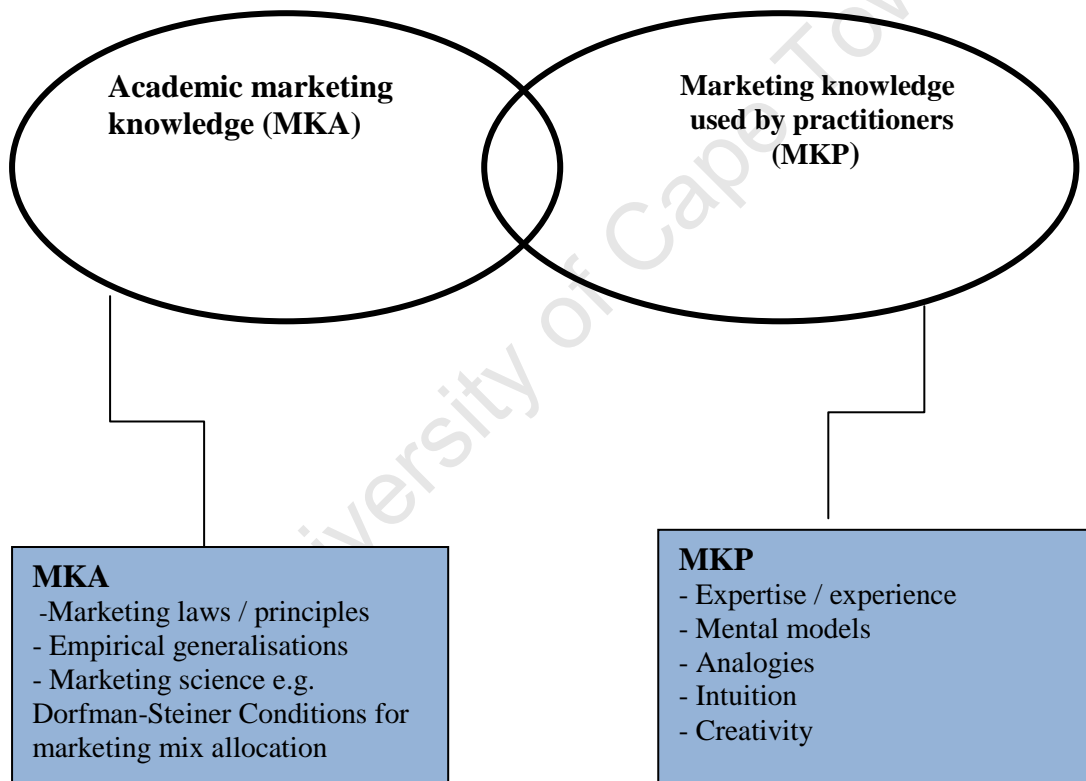
While students' perceptions of their writing pointed to a struggle with coherence at the level of the text, the analysis reflected how they struggled with reader-based coherence as well. As mentioned earlier, part two of the chapter illustrates how this struggle can be traced to their understandings of 'audience' as constructed within their undergraduate disciplines.

5.5.2 The role of tacit knowledge within Marketing's literacy practices

The students' transition experiences and initial struggles with engaging with knowledge within the Marketing discipline can, in part, be explained in terms of the role of tacit knowledge therein. The significance of tacit knowledge in Marketing is evident in the numerous articles within Management studies (see for example Hackley, 1999; Rossiter, 2001; Tsoukas, 2006). In his article on tacit knowledge in Marketing, Hackley (1999:723) defines this knowledge in the following way: "... the "tacit" dimension of practical knowledge refers to those particulars of action which

are necessarily omitted, to varying degrees, from abstracted theoretical descriptions, yet upon which the successful accomplishment of practical action depends”. In defining this form of knowledge he makes reference to “the metaphysical ‘space’ between the world of concepts and the world of sense experience” (p.723). Hackley (1999: 725) maintains that the nature of this space is neither unproblematic nor irrelevant as the high level expertise that is required in the workplace “is not what the books say”. This is expressed in the following illustration from Wierenga (2002):

Figure 7: Diagram of academic knowledge (MKA) and marketing knowledge used by practitioners (MKP) as illustrated by Wierenga (2002)



Wierenga (2002:355) postulates that marketing practitioners “have a much richer treasure of marketing knowledge at their disposal than the codified ‘body of knowledge’ that has emerged from systematic academic research”. His statement is significant in that it resonates with Susan’s critique of the guest lecturers. As is illustrated in the above diagram, the professional practice of Marketing tends to rely more on creativity and intuition in the solving of marketing problems. Creativity and

intuition could be seen to constitute forms of cultural capital, acquired through participation in the professional discourse community of the field of Marketing. The academic context on the other hand, places codified knowledge at the centre of its intellectual interactions. However, as central as this codified knowledge is, the discipline's literacy practices do, to a certain extent, require students to draw on tacit knowledge in engaging with real-world problems.

For Susan, the role of tacit knowledge came to impact on her engagement with the social practices of the discipline in considerable ways. Susan's struggles regarding a meeting with a client illustrate how she attempted to bridge the metaphysical space between that which she was in the process of learning, that is, the codified knowledge of the discipline, and the knowledge which the discipline expected her to possess. In the statement below she explained this struggle:

In this project we had to go and find a client in a real situation and find a real problem and we have to resolve it. I never worked before, so I don't know how exactly you go about finding out about the company, like 'hi my name is Susan' and then what? There's a certain way of meeting the person and getting this information for this purpose so I don't really know how it works. So I went to ask him [the lecturer] and very, very bluntly put it in the same way I'm saying it to you right now. And his comment was not that great. He thought it was the funniest joke. He was like, 'oh people come on, you can figure out this kind of thing in your own way'. He said that again in class. I was just thinking that sometimes something is not written in a textbook and sometimes there are some things that some people are not born with. I never understand how to communicate in a working place, I never worked before. I know it is not the same as high school where you would just run to your high school teachers and ask them and say 'I don't really know what is going on'. I know also, you can't just go to somebody's office, meeting him for the first time and just say 'I don't know what's going on'. You need to know how to do that. And, right now I'm asking something very basic and simple, like at least give me a guideline to say this is how you can go about doing it. He

doesn't provide us with anything. So now I'm going to go there and sit in someone's office and say what? How am I going to respond to that situation?

Even though Susan's struggle was at a basic level as she was still at the beginning stages of acquiring the high level expertise possessed by practitioners, it reflected her attempt to engage with the nature of the knowledge on which practitioners rely in real-world contexts. Hackley (1999:722) maintains that the connection between theory and practice in academic marketing tends to be assumed rather than specified: "Much of the knowledge underpinning practical marketing expertise may be tacit, implicit in the day-to-day problem solving of strategic marketing practitioners but difficult to elicit from experts or to codify in public symbols". Rossiter (2001) makes the same argument in his distinction between marketing knowledge and marketing *ability*.

Susan's challenge with eliciting information from the client could possibly have been intensified by her struggles with English. Her statement, however, also points to an awareness of a workplace literacy which would inform her interaction with the client. While the lecturer felt that she should have been in possession of this literacy, Susan was adamant that there should be certain guidelines for students like her who find this social practice daunting. This instance therefore presented a problem for both Susan and her lecturer. His expert status within the discipline meant that he was aware that the knowledge Susan sought was difficult to articulate as he himself is likely to have acquired it through prolonged participation in both academic and professional contexts. Yet, it constitutes an important part of the meeting with the client and Susan's lack of access to this knowledge prevented her from carrying out the task effectively. Interestingly, the following description of tacit knowledge captures this scenario, "It is unspoken, underemphasized or poorly conveyed relative to its importance for practical success" (Sternberg *et al.*, 1995: 917). Gee's notion of discourse applies here. His argument that reading, writing and speaking can only occur within a specific discourse is apparent in Susan's struggle with the discourse practices of her discipline.

Summary of part one

In summary, Susan and Sizwe's transition process entailed coming to terms with the dominant modes of teaching in Marketing. As I show, the discipline's use of group work has different implications for each student's writing processes. As part of this process, Susan struggled to come to terms with the allocation of duties among group members. The transition also presented an instance where skills are refined. The presentations afforded Sizwe the opportunity to improve his presentation skills, a skill he struggled with in his undergraduate studies.

In this section I have also shown how the students' characterised the literacy practices of the discipline in terms of constant references to 'coherence'. They commented on the disciplinary expectations of coherent arguments in producing the case analysis. In part two of the chapter I analyse the students' writing in an attempt to better understand these references to coherence and the ways in which it contributed to their challenges with argument construction. In analysing their writing I aimed to explore how and where these breakdowns in coherence or logic occurred.

PART TWO

5.6 Analysis of the writing

In this section I present my analysis of the two students' writing. I start by describing the kinds of writing they produce within the discipline and thereafter provide a detailed description of the case analysis.

5.6.1 Genres within the Marketing Diploma

The genres which diploma students are required to produce include memoranda of business meetings, argumentative essays, research reports as well as case analyses.

5.6.1.1 The genre of the written case analysis

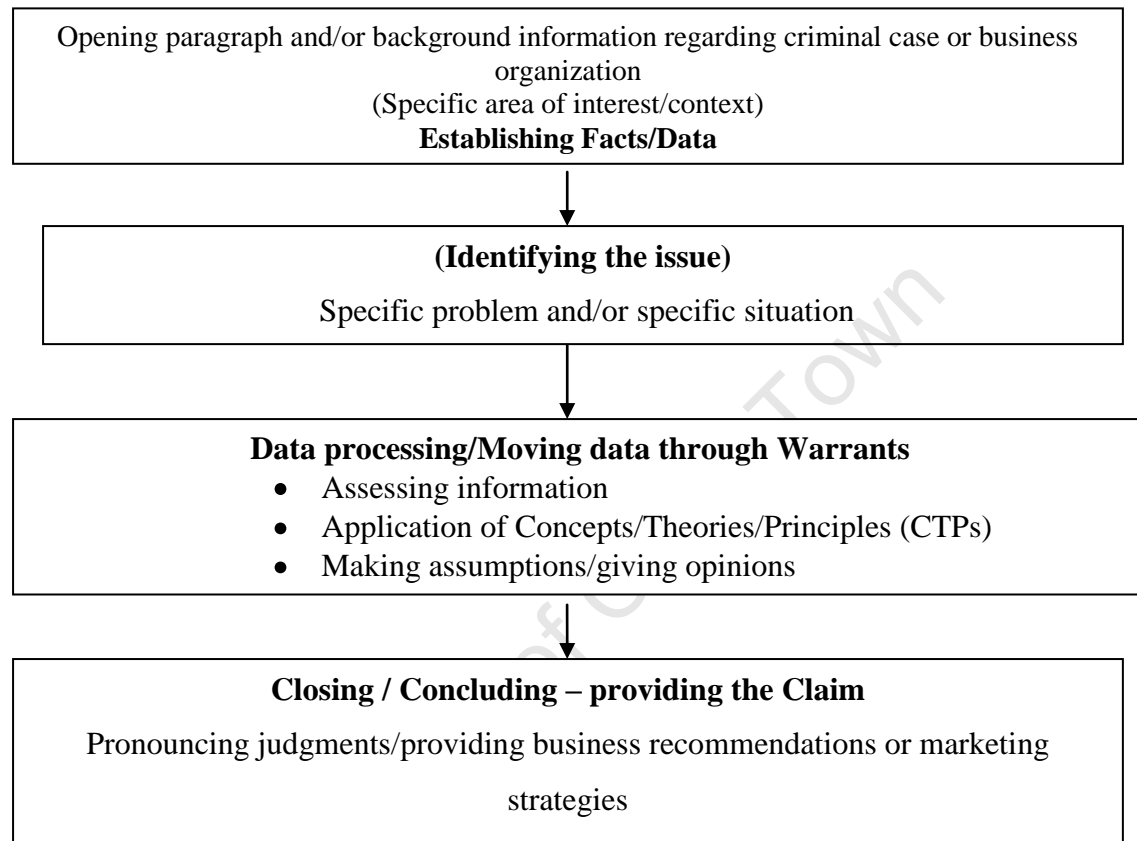
The written case analysis prepares students for the decision-making process which characterises the professional field of Marketing. Typically, students write the case analysis with the aim of presenting it orally in class, hence the distinction between 'written' and 'oral'. The student is expected to formulate a strategy for a selected profit-making business/case study through answering a set of case questions. In answering these, the student's response takes the form of a report as the questions are linked, building up to a question that requires the student to either provide a marketing strategy for a business organisation or to solve a specific problem that the organisation is facing by providing recommendations.

5.6.1.2 The communicative purpose of the case analysis

The communicative purpose of the case report is the provision of recommendations for a business organisation as well as the display of theoretical knowledge. As illustrated below in figure 8 the move structure of the genre entails a provision of background information (data) about the organisation at the beginning. Move 2 is an identification of the organisation's strategic issues and the key problems it faces. The student does this by firstly doing a macro and micro-environmental analysis as well as a SWOT analysis which considers the case study's strengths, weaknesses, opportunities and threats. The macro-environment includes external factors such as the political environment in which the business operates while the micro-environment would consider internal factors such as a business organisation's marketing mix which refers to its marketing actions or four Ps: pricing, promotion, place and product. This then leads the writer into an analysis and evaluation of the organisation's profit margins, capital structure and any other relevant aspects of the business, with the ultimate goal being to provide an illustration of how and why it is not performing as it should be. In doing the analysis and evaluation the student is required to demonstrate an understanding of the relevant CTP (warrants) which are appropriate for the addressing of the problems faced by the organisation. These warrants are then applied to the case study's specifics or data. This analysis

culminates in a provision of workable recommendations or a marketing strategy in the last move of the genre.

Figure 8: Generic move structure of Marketing cases: slightly adapted from Lung (2008).



5.7 Challenges within the case analysis

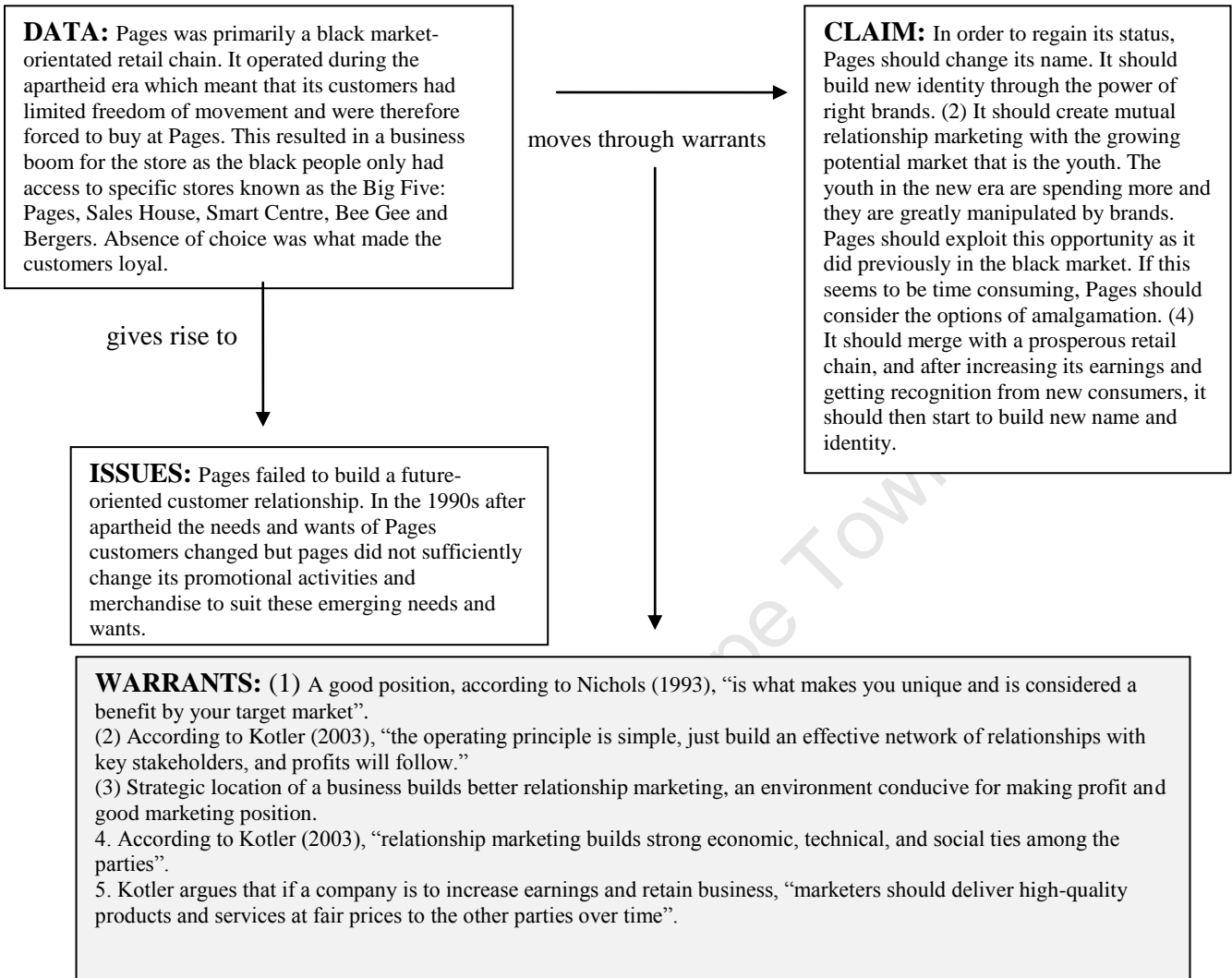
The data indicate that the majority of the challenges that the Marketing students described broadly as ‘struggles with coherence’ in their interviews can be traced to a struggle with appropriate engagement with the warrants of the discipline in executing the data processing stage of their argumentation where they have apply the theory to the case studies. Similarly to the Law students, this challenge then has implications for their ability to negotiate the last move where they provide recommendations (claim) for the business.

There were three main challenges which were evident in Susan and Sizwe's writing. The first challenge manifested as an inability to link warrants to claims, a challenge which was also evident in the Law students' argumentation. The second challenge manifested in the form of absent recommendations due to a focus on theory while the third could be linked to the analytical frameworks with which they had to engage as part of their argumentation.

5.7.1 Challenges with linking warrants to claims

A key area in which students struggled with argument construction was with linking the discipline's CTP/warrants to the claims they made. A clear example of the above is in a case analysis which Sizwe wrote in the first semester in the first week of April. The case study was Pages, a clothing store which operated during the apartheid era and had black people as its main target market. The assignment required him to analyse Pages in terms of its marketing mix, namely, product, place, price and promotion in order to understand the factors which initially made it prosper and the factors which eventually led to its demise. The end objective of the analysis was to provide recommendations for Pages as a business.

Figure 9: Illustration of Sizwe's argumentation



In his case analysis (see Appendix 9 for case questions and Sizwe's complete written case analysis) Sizwe started out by presenting the data in the form of a detailed description of the case study, its first store and its main target market. His claims, which were provided in the form of recommendations for the case study, were supported by Warrants as represented by theories from authorities in the field. Sizwe provided a number of warrants but their relationship to the data was not clear. In other instances, the warrants that he provided were not addressed at all in his argument. This meant that they did not form the foundation for any of the claims/recommendations that he suggested. This is similar to the struggle experienced by Andrew in one of his early PQAs. One paragraph was made up of a list of principles from Kotler (2003) which should have formed the foundation of his

argument but their relevance to the case study was not made explicit in the argument that followed. Sizwe's marker responded to this with the following comment: "You are quoting way too much! You aren't applying it to the case study very well." In her general comments at the end of his analysis she writes, "It's great that you know the theory but the key with a case study is to apply it –you need to get that part right."

When I asked Sizwe how he understood the marker's comment on his use of sources he stated that he thought this was a practice that was valued by the discipline: "Yeah I thought that one is required to quote to show they understand the theory first, you know, just like in the Humanities. Now she's saying I'm quoting too much, so I just didn't understand" [PG interview 2, 2005].

Similarly, in her second interview, Susan expressed frustration at the perceived inability of the discipline to explicitly state the genre's conventions: "They say they want to see you applying and at the same time they say one needs to focus on theory. But, then when you focus on theory they say no, you should be applying. So what exactly do they want?" Her attempt at finding the balance between giving application its due focus while keeping the theoretical aspect of her argument in mind was evident in one case analysis of the City Lodge Hotel Group. In this case analysis, students were required to analyse the case study in terms of its target market demographics and based on this to suggest a marketing strategy for it.

In the beginning of the analysis the data were provided by outlining the history of the City Lodge Hotel Group as well as its target market. She then provided a warrant that explained the concepts which constitute an organisation's marketing mix in terms of its price, place, promotion and product. However, the claim at which she arrived was vague as she did not address each of the concepts she had referred to in her warrants and the implications of each for the marketing strategy. Instead, she dedicated a significant section of her analysis to discussing the different concepts of the marketing mix. This focus on explaining the marketing mix in detail represented her attempts to address an earlier request from her marker to refer to disciplinary theory in her analysis. However, she failed to make the expected move of demonstrating its links to the claim.

The following discussion reflects how, in the same case report, Susan attempts to address the balance between commenting on the theory and applying it to the relevant details of the business. In discussing the target market of City Lodge, Susan was required to discuss the personality of her guests as well as the personality of City Lodge as a business. In doing this she was required to refer to personality theories and to then apply these to the case study. However, Susan merely referred to the image of the business, side-stepping an analysis of the personality theories which she felt would be focussing on theory:

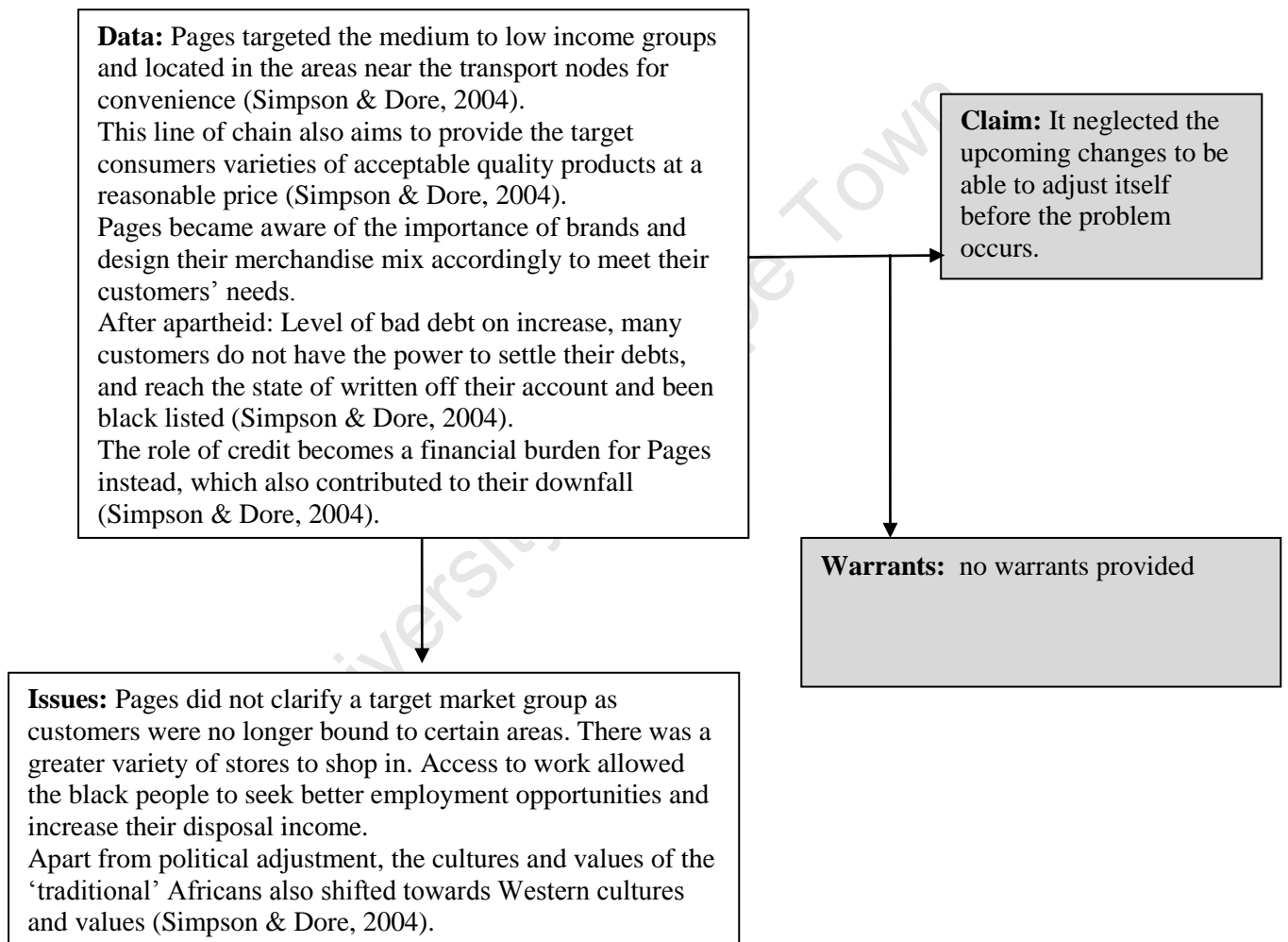
Like the guests it welcomes, the City Lodge itself has a certain personality and the image of security, stability, reliability and homely feel, which is encapsulated by the tree logo. From here, we could infer that the group places great emphasis on the homely services of a home away from home in addition to conventional services.

Her marker responded to this paragraph by urging her to consider the relevant theories: “Use actual personality theories eg. Freudian, Neo-Freudian, Trait theory, and then apply these to the case study” (marker’s emphasis). In the interview she explained her reasoning for doing this by stating that she assumed this explanation of the facts of the case study would bring her closer to application and, as the marker’s feedback had suggested in an earlier section of her report, “away from focusing on the theory”. Studies done on the characteristics of good writing as well as expected forms of writing in business studies revealed that in Marketing, more so than in the other disciplines within the faculty, ‘a clear conclusion’ was the highest ranking descriptor of successful written communication (see Crosling, 2005). This is to be expected within the genre of the case analysis as this is where the recommendations for the client are located. However, the challenges that Susan and Sizwe experienced with engaging with the relevant theories directly affected the validity of these recommendations in their concluding move.

5.7.2 Absent recommendations/claims

There were instances where the students' struggles with argumentation were directly concentrated in the final move of their analyses. In her Pages case study [see Appendix 10 for full case analysis] Susan struggled to tease out the required recommendations from her application of theory to the data.

Figure 10: Illustration of Susan's argument



At the beginning of her case study she set out all the established facts about Pages. The last two facts on the role of credit and the increase in debt are important as they assist in explaining what caused Pages to be defunct and would therefore be relevant in considering the recommendations for the store. However, when she came to the last section where she was required to conclude and give recommendations, she provided

a one-sentence summary of the problem encountered by Pages as a result of not anticipating the changes brought about by the end of apartheid: “It neglected the upcoming changes to be able to adjust itself before the problem occurs” [see under Claim]. There were no tangible recommendations which addressed the problems faced by the store. Unlike Sizwe who attempted to relate his recommendations to the insights he gained from considering the established facts in the first section of his report, Susan’s analysis did not reflect an appreciation of the interlinked nature of the moves constituting the genre in that there was no link between the issues arising out of her data and her claims.

In an attempt to explain students’ struggles with engaging with theory and with making the link between the early stages of their argument and their claims, I considered these struggles in relation to the structure of the argumentative essay, a dominant genre within their Social Science disciplines.

5.7.3 Looking to the Social Science argumentative essay to explain struggles with engaging with warrants in the case analysis

In the previous chapter I drew on Toulmin’s model to explore the nature of the challenges evident in students’ engagement with the dominant genres in their postgraduate disciplines. Since the study’s other objective is to consider the impact of undergraduate literacy practices on their argumentation in their postgraduate writing, I use Toulmin’s structure as a basis to determine the ways in which the differences in the structural moves of the genre of the argumentative essay and the marketing business case analysis contributed to the challenges discussed in the previous section.

Hyland (1990) offers a detailed representation of the moves which the student writer negotiates in producing the argumentative essay. Even though the structure of the argumentative essay is not as settled as Hyland’s illustration suggests, it captures the typical structure of the genre in the three main stages or moves he presents. The first of these is the Introduction where the writer presents background material in order to contextualise the topic. The claim is then presented immediately at the

beginning of move 2 along with its supporting statements, leading to move 3, the Conclusion where the propositions presented in move 2 are summarised.

Table 4: Elements of structure of the argumentative essay from Hyland (1990)

STAGE	MOVE
1. Thesis. Introduces the proposition to be argued.	<p>(Gambit) – Attention grabber - Controversial statement or dramatic illustration.</p> <p>(Information) – presents background material for topic contextualisation.</p> <p>(Evaluation) – Positive gloss – brief support of Proposition</p> <p>(Marker) – Introduces and / or identifies a list.</p>
2. Argument. Discusses grounds for thesis. (Four move argument sequence can be repeated indefinitely).	<p>Marker – signals the introduction of a claim and relates it to the text.</p> <p>(Restatement) – Rephrasing or repetition of proposition)</p> <p>Claim – states reason for acceptance of the Proposition. Typically based on:</p> <ol style="list-style-type: none"> Strength of perceived shared assumptions A generalization based on data or evidence. Force of conviction <p>Support States the grounds which underpin the claim. Typically:</p> <ol style="list-style-type: none"> Explicating assumptions used to make claim. Providing data or citing references
3. Conclusion. Synthesizes Discussion and affirms the validity of the thesis.	<p>Marker –signals conclusion boundary</p> <p>Consolidation – presents the significance of the argument stage to the proposition.</p> <p>(Affirmation) – restates proposition</p> <p>(Close) – widens context or perspective of proposition.</p>

5.7.3.1 Getting lost in the theory

The students' struggles with engaging with warrants can be explained by considering the structural elements of move 2 within the argumentative essay. This move consists of a number of mini-arguments, where each proposition which is put forward is addressed fully within this stage and is supported with the relevant CTP or

warrants. Move 2 thus represents the core of the argument. The Conclusion (move 3) merely serves to consolidate the argument and to restate what the writer has already proposed in the second move. In the Marketing case analysis however, engagement with the CTP remains important but constitutes one of a number of moves which work towards fulfilling a more central aspect of the genre's objectives, that of application. This is done in order to produce the recommendations or marketing strategy for the case study, a move which occurs in the last stage in the Conclusion. This structural difference is what came to influence students' argument construction within the case analysis, as they tended to 'get lost' in engaging with the theory. They explained this by pointing to the ways of engaging with theory within the argumentative essay and within a majority of their Social Science disciplines.

It is also significant that within the argumentative essay, argument construction occurs partly through careful contextualisation. The data presented as part of this context-building within the Social Science essay is largely contested knowledge as opposed to constituting established facts within the PQA and Marketing case analysis. In the argumentative essay, therefore, this contextualisation is seen to constitute a crucial part of the analysis. This could assist in explaining Susan's detailed explanation of the elements of the marketing mix in her case analysis instead of demonstrating their relevance for the facts of the case study. This 'getting lost' in the theory is also evident in Sizwe's Pages case study. Part of the Pages analysis included a section where he had to give a background of South African politics in order for the reader to understand the historical context in which Pages functioned. He ended up writing in detail about South Africa and apartheid and in the process omitted the very important part of applying this information to the case study and the resultant impact on the functioning of Pages stores. He explained his process in the following way: "Like I didn't want to focus only on the case study's problems but on the effects of apartheid on the South African society instead of just applying that to the case study" [PG interview 2, 2005]. In the Pages case study his marker's comments repeatedly insisted that he show how that information applied to the case study: "Ok but relate it to the case study" and "Yes, but what happened after apartheid to Pages?"

Below, the Marketing programme convener describes his students' typical challenges with the application stage:

“Umm... with assignments and exams we find our students tend to be quite opinionated and in some respects actually stray away from the theory which is the problem I find. I think sometimes marketers do struggle to get that clarity of thought across... I find that most of the time it's a case of getting carried away and putting all your own thoughts into it, but actually I always tell them to take some of that theory and use that” [Interview with programme convenor, 2007].

For Sizwe and Susan, however, their problem is the converse of the lecturer's presentation of the struggle experienced by the Marketing students. The analysis of their argumentation shows that their struggles are not merely restricted to a case of “getting carried away” and substituting theory with their own views. It points to a focus on theory at the expense of application. This focus results in an omission of application, replaced instead by a lengthy discussion of the prescribed theories. I discuss the differences in the use of theory within the two disciplines in the next section.

The position of the claim in the two genres could also assist in explaining their struggles. As is evident in the diagram illustrating the generic move structure of the case genres, the student works systematically and logically toward the presentation of the claim at the end of the argument (see figure 8, section 5.6.1.2). However, the form taken by their Social Science argumentative essays mostly requires that students state the claim in move 1, in the introductory paragraph as well as in subsequent paragraphs of move 2. This means that there is a constant reminder of the thesis around which the student as author shapes his or her argument.

5.7.3.2 Differences in the communicative purposes of the argumentative essay and the case analysis

The struggles which the Marketing (and Law) students experienced in engaging with the case analysis and the PQA can be partly explained by looking to the differences in the communicative purposes of these genres and that of the argumentative essay. Swales (1990:58) points to the importance of understanding the communicative purpose of the genres in his conceptualisation of a discourse community:

A genre comprises a class of communicative events, the members of which share some set of communicative purposes. These purposes are recognised by the expert members of the parent discourse community and thereby constitute the rationale for the genre. This rationale shapes the schematic structure of the discourse and influences and constrains choice of content and style.

The way in which theory functions within the business context is evident in the following quote from Yeung (2007:162): “When a ground survey on the topic is conducted in business reports, it is carried out not to review existing literature theoretically but to identify best practices in industry in order to arrive at the best solution for the problem concerned”. Based on this, Yeung (2007:162) therefore concludes that within the context of business reports: “conceptual models are examined not for their theoretical significance, but for their practical value of application”. The identification of ‘best practices’ is similar to the centrality of ‘precedence’ within the legal context. This differs to the theory-building endeavours of the Social Sciences where an exploration of the gaps and shortcomings in theories is prioritised.

Students’ struggles with engaging with the theory suggested that the *habitus* they brought with them from their undergraduate disciplines was mainly shaped by the social purposes which drive argument construction within the argumentative essay within these disciplines. This then resulted in unstable understandings of the

communicative purpose of the case analysis. Swales (1990) maintains that these unstable understandings affect choice of content.

Lung (2006: 180) uses the term “lexical signals” to refer to action words denoting the kind of action required of the student writer in academic writing tasks. The differences in the communicative purpose of undergraduate and postgraduate genres are visible in the lexical signals deployed by the different disciplines (see Lung, 2008). While the key actions within the argumentative essays students wrote in their undergraduate disciplines were typically formed around a single action, usually requiring an analysis or an evaluation, the case analysis is more demanding in terms of the cognitive moves the student is expected to execute in arriving at the claim. The genre constitutes moves for which the student is required to ‘identify’, ‘analyse’ and ‘evaluate’ respectively in order to come up with a marketing strategy or recommendations. This contributes to the cognitive load to which the Marketing students referred when they attempted to explain the breakdown in coherence in their argument. Students’ attempts to do the theory justice meant that they often overlooked the important step of applying this theory in order to realise the communicative purpose of the genre; the *evaluation* of the case study’s marketing strategy and / or other problematic areas within it.

Another challenge which the analysis revealed had to do with the incorporation of the discipline’s analytical frameworks into their argument. In the next section I illustrate the ways in which this particular challenge impacted on the students’ argumentation.

5.7.4 Engaging with the dominant frameworks of analysis within the case analysis

In entering the various discourse communities within the Marketing diploma, students encountered a number of frameworks of analysis which they were required to incorporate into their arguments. They drew on these analytical frameworks by using them to analyse the activities of the case studies in question. This analysis then informed their recommendations in the conclusion. These frameworks include the

SWOT analysis which forms part of the move where the issue or problem facing the company is determined. This analysis considers the case study's strengths, weaknesses, opportunities and threats. Students were also required to do a micro and macro-environment analysis which interlinks and contributes to the SWOT analysis. The marketing tutor explained the link between these analytical frameworks in the following way:

The SWOT is a summary of what you find in the case study so the macro looks at the political situation, economic situation and puts a kind of technological environment like umm... what's your social-cultural environment like. So that's the macro, all the things from outside and those translate into opportunities and threats. So for instances if there is a really unstable political situation then that's a threat to a marketing company because it means that privatization could happen tomorrow or whatever might be.. And then the micro environment looks at internal... what are your employees like? Is your management strong? Do you have great customer loyalty? That can be then strengths and weaknesses so for instance if your customers are really loyal towards your brands, then if a computer comes in you've got different kinds of umm... sort of options. If there is no brand loyalty and people just look according to whose the cheapest umm then a competitor can... then all your customers are gonna go away. So it's about analyzing, it's about first gathering information and then analyzing and applying to the context in which you are working [Interview with Marketing tutor, 2007].

In explaining his argumentation in his case study of Pages, Sizwe was able to identify the particular challenge he encountered. In providing a reason as to why one of his analyses did not have a logical argument he made reference to the absence of the analytical framework at the beginning of his essay which would have outlined the major points that he would focus on in the recommendations section. He proceeded to explain that he omitted it because he found it difficult to relate the results of the SWOT analysis to his claim.

In the interview with the programme convener, he made reference to one of the ways in which students struggle with the SWOT analysis: “I always find out in presentations that they’re very strong on the first two points [Strengths and Weaknesses] and then kind of drop off in the last two [Opportunities and Threats]” [Interview with programme convenor, 2007]. In addition to the programme convenor’s observation I also found that students initially struggled to differentiate between the meanings of the terms. Susan’s attempts at engaging with the different aspects of the SWOT analysis were evident in her struggle in distinguishing between ‘strength’ and ‘opportunity’. This manifested in two ways in her argument. In the first instance, her use of the two terms suggests that she viewed them as having the same meaning: “As for the SWOT analysis, at this point for Pages, their strength and opportunity was the government rulings as it was acting in their favour and specific targeted customers, as there will not be cannibalisation with other retail chains in Foschini group”. The tutor’s comment points to the difference between the two terms, “Strength internal, opportunity external therefore the ruling by govt are opportunities”. In the second instance, in the same case analysis, Susan listed an opportunity as a strength, prompting the marker to once again alert her to the differences in meaning.

5.8 Struggles with the epistemology of the discipline

Even though the Marketing students’ struggles with argumentation were mainly traced to the structural differences between the argumentative essay and the case analysis report, the disciplinary *habitus* acquired within their undergraduate majors played a role in determining their approaches to knowledge construction within Marketing. Responding to the question: “*What changes have you noticed in your ideas over the past three years?*” Soletu wrote the following in his reflection paper:

My ideas are now entirely characterised by political ideas. I am now more politicized than before. Last semester I was writing a history essay. My history essay took entirely a political view rather than a historical one (see HST105F 2nd essay, 2004: 1-4 and the tutor’s comments) [UG reflection paper, 2004].

This is similar to Andrew's comment about his "becoming the discipline" [of his major Psychology). This manifestation of undergraduate epistemologies at postgraduate level was not only restricted to the students' writing but to other learning contexts in which they grappled with applying the dominant theories in the field. In her second interview, Susan narrated an incident where she analysed a problem/question in a mock interview from the perspective of her undergraduate discipline of Sociology:

[In the interview] they were talking about a certain problem around pies. So I was explaining to them that there is something called social trend and people may change not just everyone may forever eat pies. Right now we are at a stage where people are getting richer and also people are moving towards better lifestyle and better everything. Maybe a pie has come to a stage where only poor people will eat pies. If they are, having that item has that kind of symbol or that kind of status, it is then very dangerous for the company to invest in it because if people are saying that right now and are moving away from that you can't go back there. That is social trend and also socio-economics you can't just invest in a pie that costs R7.00. Yes South Africa has rich people but has a lot of poor people but how are they going to afford that? Where do poor people buy? Yes they buy at Shoprite or at the side of the street. When they are buying from there can the people buy it? That's how I see Sociology as being useful there. But there was the commerce view and the whole interview was half room full of commerce students and they were laughing. I was like why was I so stupid. Even the interviewers were laughing their heads off. They thought it was the most funniest thing they ever heard. To me it was the most important thing because I just can't look at the target you are looking for, but are you going to hit the target if you are so stupid, how are you going to do if you are limiting yourself, why do you view it narrowly, you must view it wider... You need to say I'll see how the system actually functions not from a certain aspect but from everything else because that's what I see and that's how Sociology is useful to see something from every respect [PG interview 2, 2005].

In their matrix which outlines the nature of knowledge guiding the different disciplines, Becher & Trowler (2001) list one of the characteristics of soft pure disciplines as being personal, holistic and value-laden as opposed to the utilitarian/functional character of applied disciplines. This is evident in an earlier description of the discipline of Sociology from Becher (1989:8): “the core of Sociology lies in exploring the action of social forces and understanding the principles of change in society. This involves ‘looking for generalities, seeking causal explanations and [drawing on] knowledge that has explanatory power – there is no sense of superseded knowledge”.

Susan’s insistence on viewing the problem in the way that she did is tied to the epistemology shaping the discipline of Sociology. In her new context she insisted on creating a space for the values attached to her former discipline, even though the feedback from the audience was not positive. It is, therefore, through her belief in the knowledge which she brought that Susan was able to exercise agency in this situation. While she was aware that her decision to view the issue from the perspective she chose was a risky one in her new context, she insisted on it nevertheless, asserting that it was the perspective which made more sense for her. She actively drew on the disciplinary *habitus* which she acquired through her engagement with the literacy practices of her previous discourse community of Sociology. The nature of this form of *habitus* is such that it predisposed her to engage with the body of knowledge in Marketing in a manner which was in keeping with her past learning experiences.

5.9 The problem of ‘audience’: transferring notions from undergraduate contexts

Some of the challenges that are reflected in the previous section can, in part, be traced to students’ constructions of ‘audience’. An awareness of the audience for whom one writes is a key aspect of argumentation. Trimbur (2010:27) lists ‘audience’ alongside ‘genre’ and the ‘writer’s orientation’ as the three main factors which influence the choices a writer makes in responding to a rhetorical situation. Within most of the genres they produce for their Marketing modules, in producing the claim, the students are required to take on a professional identity more so than they were

expected to in their undergraduate disciplines. The written case analysis is one such genre. Its overall communicative purpose entails the negotiation of three roles or personae: that of problem-solver, practical manager, as well as the disciplinary thinker whose objective is to “perform knowledge” (Paretti, 2006: 189) for the lecturer (see also Forman & Ryder, 1999).

Taking up these roles has implications for the audience which the student is seen to address, namely, the ‘simulated audience’ which is represented by imagined clients and their ‘real audience’ as represented by their lecturers (Hollis-Turner & Scholtz, 2010: 242; see also Zhu, 2004). Zhu (2004:124) explains the significance of audience within this context:

Congruent to their assuming business roles, students are instructed to target the intended business audience in their assignments. The business audience is often described by faculty as highly critical people who [need] specific information to make business decisions, such as clients, supervisors, investors, members of boards of directors and owners of business. When working on a particular business assignment, students [are] urged to keep a specific audience in mind and to address issues particularly relevant for the chosen audience.

The quote from Zhu points to the specificity of ‘audience’ in business writing. The notion is not a straight forward one but is determined by the social role the student is expected to assume. In their undergraduate studies in the Social Sciences, however, students were operating with significantly different notions of the term. In his final-year undergraduate reflection paper, Sizwe described his understanding of ‘audience’ in his response to the following question: “*What changes have you noticed in your writing in the past three years (think around structure, sense of audience, referencing, argument construction (coherence and cohesion))*”. His understanding of this notion suggested that the reader is not an expert on the topic and he therefore saw the writer as having the responsibility of bringing him or her on par:

In writing my essay, I regard the audience as the person who does not understand the topic being dealt with. Therefore, I always define the concepts being used in the essay. This makes the reader to clearly understand my argument mainly because it is being clearly explained and therefore simplified as the concepts are clearly defined [UG reflection paper, 2004].

Susan's reference to 'audience' in her response to the same question in her reflection paper suggested a similar understanding. She wrote: "In second year I started writing with the thought of the reader in mind. I thought of the audience as any reader and therefore all terms that need to be explained should be explained and the reader needs to understand the essay". In addition to perceiving the reader as a non-expert in the same way that Sizwe did, her statement also reflected how she thought of 'audience' in terms of a random reader. It is obvious from both statements that Sizwe and Susan's understandings of 'audience' were markedly different from the understanding their new discipline requires them to have.

A significant factor in Susan's analysis of audience was that for her, the notion of 'audience' on which she drew extended to include the student who had edited her writing in her undergraduate years, whom I shall call 'Andrea'. This is obvious from the number of times she referred to her in her reflection paper, illustrating the ways in which Andrea's input had come to shape her views of herself as a writer: "At the end of first year my writing had improved, but there were still many errors – as Andrea frequently asked me what I was trying to say". In the same reflection paper under her description of her writing at second and third year she continued to construct her writer identity around Andrea's feedback:

Starting from second year, under the influence of Andrea's style of writing, my essays were not only aimed to pass but to get a high mark. I can also see that my style of writing is similar to Andrea's style of writing, but at the same time, my writing was aimed to include 'quality' – feelings, insights, analyses and so forth and to explain them in a way that Andrea would understand. I have also started using extra reading materials and internet for my assignments

as my friend Andrea has told me that additional readings will earn me additional marks [UG reflection paper, 2004].

Judging from the above extract, Susan's notion of audience is strongly shaped by her interactions with Andrea. When she wrote, she mimicked Andrea's writing style and the content she included was informed by the advice given to her by Andrea and was clarified to facilitate understanding for her. The transition into the Marketing discourse community, however, requires a mental shift from viewing the audience as a non-expert to a view of audience as a reader who is an expert in the discourse of the discipline and who therefore plays a regulatory function in terms of the nature of the information they can include as part of their argumentation.

It is evident from their argument construction that this undergraduate-based understanding of audience persisted at the postgraduate level. The analysis of the students' argumentation illustrated the ways in which struggles with accommodating this shift manifested at the level of engaging with content in their marketing case analyses. In her Pages case study, for instance, Susan saw the need to provide the reader with as much context as possible in discussing the role of credit in Pages stores. Her marker responds to this by cautioning: "Don't waffle – give just the facts". Susan's explanation for this 'waffling' again pointed to the need to explain the content for her audience before proceeding to consider the facts in relation to marketing theory.

Like Susan, Sizwe also saw the need to provide the reader with detailed context before proceeding with the application. In the analysis of the students' writing earlier on in the chapter I described how he provided a detailed explanation of the impact of apartheid on the functioning of Pages. The explanation he gave for this description was mainly in terms of his knowledge of the subject matter which he attributed to Politics, one of his undergraduate majors. However, his explanation also pointed to his need to provide a detailed account for his audience "And I wanted to make sure that the reader understands the political background to the case study before attempting to apply it".

As illustrated by the explanations given by both students, the thinking behind these detailed sections of their analyses was informed by past notions of ‘audience’ which came to impact on their argumentation in concrete ways in their new discipline. In making this claim, I am mindful of the fact that the exact audience for whom the student writes is a contested issue within business studies, more so than it is in their undergraduate majors. Within a business context, theorists such as Freedman *et al.* (1994) maintain that the lecturer represents the primary audience rather than the imagined business client to whom the student responds. This assertion would appear to downplay the need to balance between academic and professional roles in producing genres such as the written case analysis. The findings discussed in this section, however, highlight how, in producing the claim within this genre, the student is required to take on a professional identity more so than their undergraduate disciplines required. This then necessitates a balancing of the needs and expectations of ‘real’ as well as ‘imagined’ audiences (Hollis-Turner & Scholtz, 2010).

In this section I have shown, through my analysis of Sizwe and Susan’s writing, the aspects of argumentation with which they struggled as they were inducted into the literacy practices of Marketing. Like the Law students they struggled to illustrate the connections between warrants and claims in their case analyses. They also struggled with application. However, their struggles with application can be traced to a different reason from that of the Law students in that their challenges with application are largely due to their giving more space to a discussion of the theory in their argumentation. This discussion, in some of their analyses, resulted in an omission of application or insufficient application of this theory to the case study under discussion. This then affected the validity of the claims they presented.

The findings also reflect how the issue of ‘audience’ has more of an impact for this group of students. Their undergraduate perceptions of ‘audience’ come to impact on their argumentation at postgraduate level in terms of their presentation of the content. Their notion thus sits uncomfortably alongside the social practices of the new discipline with its more nuanced definition of the term.

In the next section I present a lexico-grammatical analysis of their writing. It is interesting to note that, in both the students' perceptions and in my analysis, the issue of grammar does not surface in the Marketing students' data to the same extent that it did in Law. As stated in the previous chapter, this could be due to the nature of legal discourse and its insistence on verbal accuracy as realised through its lexico-grammar.

5.10 Sentence – level analysis

In this section I focus on the linguistic resources from which the Marketing students drew in putting forth their recommendations in their business case reports. Unlike the Law students whose references to their linguistic struggles were directed at legal discourse, Susan and Sizwe's comments on this aspect of their writing focused less on business discourse. Rather, the students spoke of their general struggles with writing in English. In her first postgraduate interview Susan stated, "... I know where my English level is, it's not good in terms of the standard because if you want to do well you need to understand that. And English is not my first language". Sizwe mentioned language in a discussion on the allocation of tasks in his group. In his interview he stated that he avoided volunteering and attributed this to his ESL status:

Uhm, I don't think I'd be able to do that, edit it as if it's written by one person. I'm a second-language speaker so we normally give that task to the first-language speakers. So yeah, you can say I'm still struggling a little bit with language. It's not like undergrad during my first year. I'm a little bit better but still, I'm not 100%. I'm not that confident [PG interview 2, 2005].

Yeung (2007), who has conducted research into the linguistic and rhetorical features of business genres, maintains that the goal of most business genres is a pragmatic one -- to provide solutions -- which sets them apart from academic genres whose main function is to persuade intellectually. According to her, this objective is realised mainly through the genre's specific use of modalization and evaluative lexis. Based on this, I focused my attention on these aspects of their reports.

5.10.1 Modalization

Yeung (2007: 172), in describing the way in which modality typically features in the business reports as a genre, maintains:

In terms of modality, rather than showing a pattern of decreasing degrees of certainty as the rhetoric moves from the particular to the general as in academic discourse, the business report tends to show a pattern of modality moving from the more certain through the less certain and back to the certain again. The writer speaks with certainty as the guiding principle of decision-making is stated; but a lesser degree of certainty is conveyed as findings and comments are presented as interpretations derived from the data, and then a greater degree of certainty emerges as the rhetoric gathers strength through rational arguments to exhort the reader to action.

Even though Yeung's quote is made in the context of a discussion of business reports produced in the workplace, this specific use of modality applies to the business case report as the communicative purpose is the same. The above quote therefore illustrates the complexity surrounding the use of modals in the various sections of the case analysis. I explored whether the above pattern she described was evident in the students' texts and also considered their use of modality in general. Students' use of modals in their writing suggested an awareness of the roles/identities that they took on when they produced the genre. In the process of making recommendations, they deployed high modality, not only to persuade the business under consideration to act, but also to communicate levels of confidence in the statements and recommendations they made. However, in instances where the student was not confident in either engaging with the theory or with the case questions, this unease was reflected in their use of careful modality.

Susan deployed modals appropriately in the different sections of her case analysis. When she attempted to make connections between the case study in question – Starfish charity organisation – and the theoretical model on which she was required to draw to assess whether Starfish has fitted the model, she made use of high modality. When she moved on to the next section where she offered her

interpretations she became more careful. This shift in how she expressed herself is evident in the following paragraphs from her case analysis report:

According to Kotler and Armstrong (2004) they have suggested a model should be followed for new product development starting with idea generation, idea screening, concept development and testing, marketing strategy.... Looking at the development process of Starfish, it was originally started with the idea that each individual can make a difference to others even if it was one (Simpson & Dore, 2004). Therefore, up to this point Starfish seems to be complying with the model. Looking at the developing process of Starfish, one can analyse that London was used for testing the market and South Africa was their process of commercialisation and became official into the market. As a whole, the model is mostly followed and fits into Starfish's context, but there are steps that were missed, as it is an organisation that does not have physical product.

Conclusion and recommendations

Starfish is very similar to a charity society in the University of Cape Town, RAG, using activities to raise funds for the needy. It asks for donations in an indirect way that allows the public to be involved without physically asking them to donate. This might reduce the selective perceptions of the public (Fox & Kotler, 1980). Nevertheless, a charity organisation should deliver its promises and help the societies to improve the lives of the AIDS and HIV orphans. It may not be possible to change everything, but 'it made a difference for that one' (Simpson & Dore, 2004: p436).

In the first paragraph of the extract, Susan used the modal of obligation 'should' when referring to what authorities Kotler and Armstrong have theorised about new product development. She continued to use high modality through her use of the modal 'can' when referring to statements from other authorities, Simpson and Dore. There was an instant change in expression in the statement following that of Simpson and Dore where she offered her own analysis of whether or not the case study was acting in accordance with the model in question. She switched to low

modality, expressed through her use of the hedge ‘seems’: “Therefore up to this point Starfish seems to be complying with the model”. In the section where she wrote her conclusion and recommendations she again used high modality, using the modal of obligation ‘should’ to recommend what the Starfish organisation needs to do: “Nevertheless, a charity organisation should deliver its promises and help the societies to improve the lives of the AIDS and HIV orphans”.

The pattern described by Yeung (2007) as being typical of business reports is evident in most of Susan’s writing. However, in a case analysis report written just a month earlier, in March, Susan’s use of modals did not follow this pattern. This may or may not be significant, but it seems to be when viewed alongside her descriptions of how she felt during the process of producing this particular report. In her interview she was responding to a question which sought to ascertain how she was adapting to the writing requirements of her new discipline:

There are no guidelines I don’t know whether they, the lecturers and the convenors, think its part of your learning, you just had to somehow figure it out yourself or use your own initiative and figure out. But for me it’s not just the way of figuring out, it’s actually knowing what is right or wrong. Especially since I’m already struggling with writing and I know that I really struggle sometimes with the style and the format, or a certain way of presenting your argument. You can’t just have one way to do it you must have a certain way. You know with the writing style when they don’t tell me it’s actually very hard when they mark me down and don’t actually tell.

It is obvious from this quote that Susan felt the power relations between herself and the tutors/markers were uneven, eventually manifesting in what she perceives as withholding of crucial information by the latter. Her use of modality in the extract below is awkward. She made use of high modality in places where she should have been hedging. Under her recommendations section she wrote:

To reduce the loss for both parties, the caterers can conduct a survey and investigate the types of foods that the students prefer. This might increase...

Technology can be used to resolve this problem; a paid-for meal card' can be used..... This will save the money on the meals that were missed.....

Rather than using 'could' Susan used 'will' in the last statement in the extract. Low modality is encouraged in some instances for making recommendations, as the writer is urged to keep in mind the practicalities of suggestions / recommendations and therefore the plausibility of anticipated outcomes. Zhu (2004) clarifies this by arguing that the two elements that are particularly important for business persuasion are consistency and plausibility, maintaining that persuasiveness comes partly from the plausibility of the recommendations. This implies that Yeung's (2007) pattern is not applicable in all situations and that the student has to discern what each situation calls for. The feedback from the marker suggests this as she underlined the phrase containing the modal and writes next to it: "Probably not plausible as the caterer still gets paid. The students are the ones losing out".

When I asked Susan to comment on her marker's feedback in the interview she compared the different rhetorical structures typical of the two faculties:

Like, the way how humanities write and commerce write is totally different. Commerce is going factual, real factual. And right now that's exactly what they want. That's how I see it, she just want economics, all the way economics. Not saying, economics was, therefore, this or that happened. But the thing is the way how the Commerce Faculty asks questions, they ask you all of this, and then later on at the last question, they ask you do develop a strategy. So, you analyse the topic and then you develop a strategy... So I wrote analysis of each section, so when it came to what she call the crucial part at the end, and I just came up with something like, so, therefore I can't really at this point in time provide any new additional suggestions according to what their topic is saying and what I think is missing in the company. I really felt that explanation is missing and that's why I can't write at the end.

Whereas, in humanities, they would give you a few questions but there would be more guidelines, not necessarily on the piece of paper, but through the lecturers. The lecturers would tell you that I'm looking for article maybe A, B,

C and sometimes article D, E, F have the information which is necessary or have information which you should go and find out. So that is actually helping you. When you are writing you would then know which direction to more or less go into [PG interview 2, 2005].

Susan's narration of how she struggled to write the recommendations section points to her struggle with understanding the facts of the case study and with linking these facts with the theoretical part of her analysis. My analysis of this section of her writing shows how this struggle was as a result of a lack of confidence in her use of modality in the crucial recommendations section.

Sizwe's use of modality, while appropriate in providing recommendations in most instances in his writing, faltered when it came to distinguishing between fact and opinion. For example, in his 'Pages' case study report he presented the facts regarding the changes brought about by the store in response to changing market needs. He started his paragraph with the following statement: "It can be argued that the Foschini Group's policy was to introduce chains in such a way that they served different markets and that there would be no cannibalization (Simpson & Dore, 2002)". His marker commented at the end of his report "Good, however just be careful: Don't write 'It can be argued that --- if what you're about to write is fact". His response to this comment reflects an unease with his use of metadiscourse: "Well, since academic writing requires one to be careful when they say something I always keep this in mind, but obviously it seems I went overboard with being careful here [laughs]" [PG interview 2, 2005].

Sizwe's overall use of textual metadiscourse in the above case analysis, however, was impressive. He appropriately framed his argument around textual features in the form of sequencers which denote the sequence of the material presented in the analysis as well as endophoric markers which serve to direct the reader to information in other parts of the text (see Hyland, 1998 and the distinction he makes between textual and interpersonal metadiscourse in chapter 2, section 2.4.2). In his introduction he informed the reader of the structure that his argument would take, using the sequencers, 'firstly', 'secondly' and 'lastly'. In the section where he

processed the data through a consideration of relevant warrants he considered the impact of the location (place) of the case study on its performance. Also, in his attempt to clarify the significance of this for his argument, he referenced the section where he did a SWOT analysis through the use of the following endophoric marker: “Cultural and ethnic segregation of South Africans created more opportunities for Pages to generate more profits from the Black market. Threats and weaknesses, as explained in the full analysis of Pages case earlier on, include high levels of crime in these locations”.

The link between confidence with content and modal use becomes evident in Sizwe’s analysis of the political climate and its effects on business in his Pages case study. In building up to the presentation of his conclusion and recommendations he commented on the ways in which the political changes which were taking place in South Africa influenced customers’ needs and wants:

In 1990s, the needs of the customers changed. The customers who were traditionally Pages customers were now no longer supporting Pages. The changes that took place in South Africa are the causes of this phenomenon. Political change in South Africa opened the doors for the previously oppressed consumer. There is now equality and freedom movement, which was previously restricted. Black people now could shop anywhere and needs and wants were not something that can be imposed to customers (Simpson & Dore, 2002). The merchandise mix was now something that should be driven by the needs and wants of the customers. In the new South Africa, the old Pages promotional mix was indeed inappropriate.

Sizwe used high modality through his deployment of the modals ‘is’ and ‘are’. In the last sentence of the paragraph he used the booster ‘indeed’ to underscore the extent to which the strategies of the old Pages were inappropriate. In his second interview I asked him to comment on this paragraph as his language use stood out in comparison to his expression in previous ones. His response seems significant when considered alongside similar statements by Susan on her use of modality. He commented that he considered himself knowledgeable on South African politics,

citing his undergraduate major of Politics as having contributed considerably to this knowledge:

So this essay was about how the apartheid system influenced Pages. I did South African politics under grad so that kind of gave me an idea of South African society as a whole. So yeah it contributed positively because I had interest in writing this essay because I know about black people back in the days of the apartheid system. Politics, a sociological kind of understanding the South African context [PG interview 2, 2005].

When I commented on his confident use of language and modals he responded: “Yeah [laughing]. I didn't get something as secondary research, I just made a claim. I didn't justify it and support it with an opposing view or something said by other people but as you can see, here it worked...” [laughing again]. This confident stance is carried through to the recommendations section through a repeated use of the instructional modal ‘should’:

In order to regain its status Pages should change its name. It should build new identity through the power of the right brands. It should create mutual relationship marketing with the growing potential market, that is, the youth. The youth in the era are obviously spending more and they are greatly manipulated by brands. Pages should exploit this opportunity as it did in the previously black market.

There is a noticeable absence of hedging and no consideration of the extent to which his recommendations are plausible which would have been achieved through the use of the modal ‘could’. Instead he used the interpersonal emphatic ‘obviously’, which serves to strengthen the basis of his recommendations. His marker equally found his modal use appropriate as he/she commended him for his claims in this section. It is worth noting that Sizwe seemed to be aware of the instances where he could be strategic in his use of modality. Even though he did not have the language to express this strategising, his statements pointed to an awareness of instances where he

could get away with a strategic deployment of high modality without providing the necessary references.

5.10.2 Use of lexical items

In her study of the features of business English, Čepon (2005) emphasises that the concepts of needs and needs analysis in business have been constantly changing and that business teachers should be familiar with the number of different terms that have been introduced in expert literature for a variety of factors and viewpoints in the concept of needs analysis. The analysis of students' engagement with discipline-specific vocabulary showed their attempts at engaging with the key concepts in Marketing. There were no obvious struggles with regard to drawing on appropriate lexical items as was the case with the Criminal Law students. One explanation for this could be that business discourse is less precise and less rigid than legal discourse. Context-specific lexical items such as 'loss', 'product', 'needs' and 'wants' were used appropriately most of the time.

There was an instance, however, where Sizwe's analysis reflected unease with disciplinary lexis. His use of the term 'monopoly' suggested that he did not understand its meaning in the context of his argument:

Through its policies, the apartheid system influenced Pages' four Ps of marketing mix; that is product, place, price and promotion. Nonetheless, Pages positively benefited from the system. It was a monopoly, mainly because its customers had no choice but to shop at Pages stores.

The marker underlined the term and wrote, "It was one of 5 such stores", suggesting that the store did not dominate the market to the extent to which Sizwe's use of the term suggested. Sizwe did acknowledge this later in the same paragraph when he referred to "the big five" which, including Pages, collectively targeted the black population. In addition to the above there were instances when the students made use of informal words and phrases which were not characteristic of business discourse. In one case analysis Sizwe discussed the functioning of Pages stores during the apartheid

era and its main target market which mainly comprised black migrant labourers. He described the target market in the following way: “They were migrant labourers and they were working very hard for peanuts”. Here, he is attempting to communicate the fact that migrant labourers did a lot of work for very little pay but used the colloquial phrase ‘working hard for peanuts’. Strangely enough, his marker did not mark this as inappropriate. She was more concerned with correcting his referencing, which she does throughout his case analysis. She did, however, correct his use of the informal term ‘kiddies’ later on in his analysis where he was listing the merchandise sold at Pages stores: “When looking at Pages average percentage turnover generated from the merchandise assortment at Pages stores, ladies wear were about 28%, Kiddies wear 10%”. She underlined the word and wrote ‘slang’ directly above it.

5.11 Disciplinary belonging

In the questions guiding the students’ postgraduate reflection papers I ended by asking whether they felt they belonged in their disciplines. Their responses were significant in their difference. Susan was straight forward as to how she felt about being in the faculty:

Actually, I don’t feel like I belong. Today if you asked me to put Marketing into practice and branding and things like that I probably can’t tell you anything. Maybe I need another two or three years to absorb the discipline. So no, I don’t feel that I belong to this discipline yet, as all the knowledge that I have gained have not sink into my brain and knowing how to apply it.

Whereas sociology has become part of me and I appreciate their discipline. Maybe after I join the working world for a year or two I will see the beauty of marketing and its practices [PG reflection paper, 2005].

For Susan, an appreciation of the academic discipline’s practices is, in her opinion, directly linked to an engagement with the profession. Sizwe’s response, on the other hand, was more positive than Susan’s. He described his discipline in terms of anticipated fiscal rewards:

I feel like I belong to my discipline. You know I've developed a business interest since I got to my discipline when I have a lot of money I'll try to open up my own business. So those business issues we are dealing with and strategies have helped me. I can kind of come up with my own business. I'll build on my discipline, like now I have business interest because of it

5.12 Summary of findings

The findings point to how Sizwe and Susan attributed a significant amount of space to engaging with theory in their argument construction. As with the Law students, this tends to have negative implications for their argumentation. While it impacted on the extent to which Harold and Andrew could perform a critical analysis of the dominant theories in Crime and Criminology, it had implications for the final step of Sizwe and Susan's analysis, in the provision of recommendations for the case study in question. In the interviews both students spoke convincingly about the importance of engaging with Marketing theory and application in their new context, yet their writing pointed to a struggle with striking a balance between commenting on the theoretical body of knowledge of the discipline and extending this commentary to include an application of this knowledge to the case studies. I argue that this struggle signals a broader problem, a lack of a meaningful understanding of the communicative purposes of the business case report as well as the tacit knowledge required to function effectively within the discipline. The struggles evident within the Law context can, similarly, be attributed to these two factors. In describing their writing practices in the second interview, both Harold and Andrew were able to articulate the genre's social purpose. However, a deeper appreciation of the ways in which this social purpose is realised through the structure of the genre and the role of theory therein was evidently lacking.

This struggle with realising the communicative purpose of the case analysis strongly shows the impact of the profession on the diploma and the markings of this on the discipline's texts. Similarly to the Law students, the process of getting acquainted with the professional aspects of their new writing contexts had implications for how they negotiated their emerging professional identities. The Law

students' struggles with the literacy practices of their discipline resulted in an explicit rejection of the professional identities attached to legal studies. Sizwe, on the other hand, and, to a lesser extent, Susan, embraced the identity carved out for them by their new context as they acknowledged its affordances for their professional careers.

The findings also point to the fact that the audience/s which student writers invoked in the writing process were informed by a variety of factors which do not necessarily form part of the immediate disciplinary space. The resources on which students drew in the writing process came to shape their ultimate conceptualisation of audience and subsequently how they construct their arguments. While the centrality of the lecturer or 'real audience' cannot be overlooked, the findings illustrate the ways in which the need to take on the professional identity of problem-solver and manager can be problematic for the disciplinary novice. The process of applying the CTP to the specificities of the case study foregrounds the roles of problem-solver and practical manager as it is through this application that the provision of relevant recommendations for the business can be made. For the two students, however, the disciplinary-thinker role eclipsed the professional personae they were required to adopt as their approach to theory was more aligned with the communicative purpose of the argumentative essay, namely, to persuade intellectually. Due to this, they struggled to adjust to the practical purpose of theory within an applied context. Having said this, there were instances where the literacy practices from their undergraduate majors were perceived as having a positive impact on argumentation and overall engagement with the discipline.

The literacy practices which the students brought to their postgraduate disciplines enabled them to be agentic in a number of instances. They enabled them to challenge the structures within Marketing and, like the Law students, informed their attempts to carve out spaces for other ways of valuing and arguing. Susan's insistence on a sociological approach to the Marketing issue under discussion in the interview which comprised established members of the professional discourse presented such an instance. It is significant though that while they felt empowered by these literacy practices and ways of engaging with knowledge, the findings point to how they were barriers to an effective engagement with the generic move structures

of the genres they were required to produce. This was evident in how these embodied literacy practices tended to divert their attention away from the *application* of disciplinary knowledge to the cases under consideration.

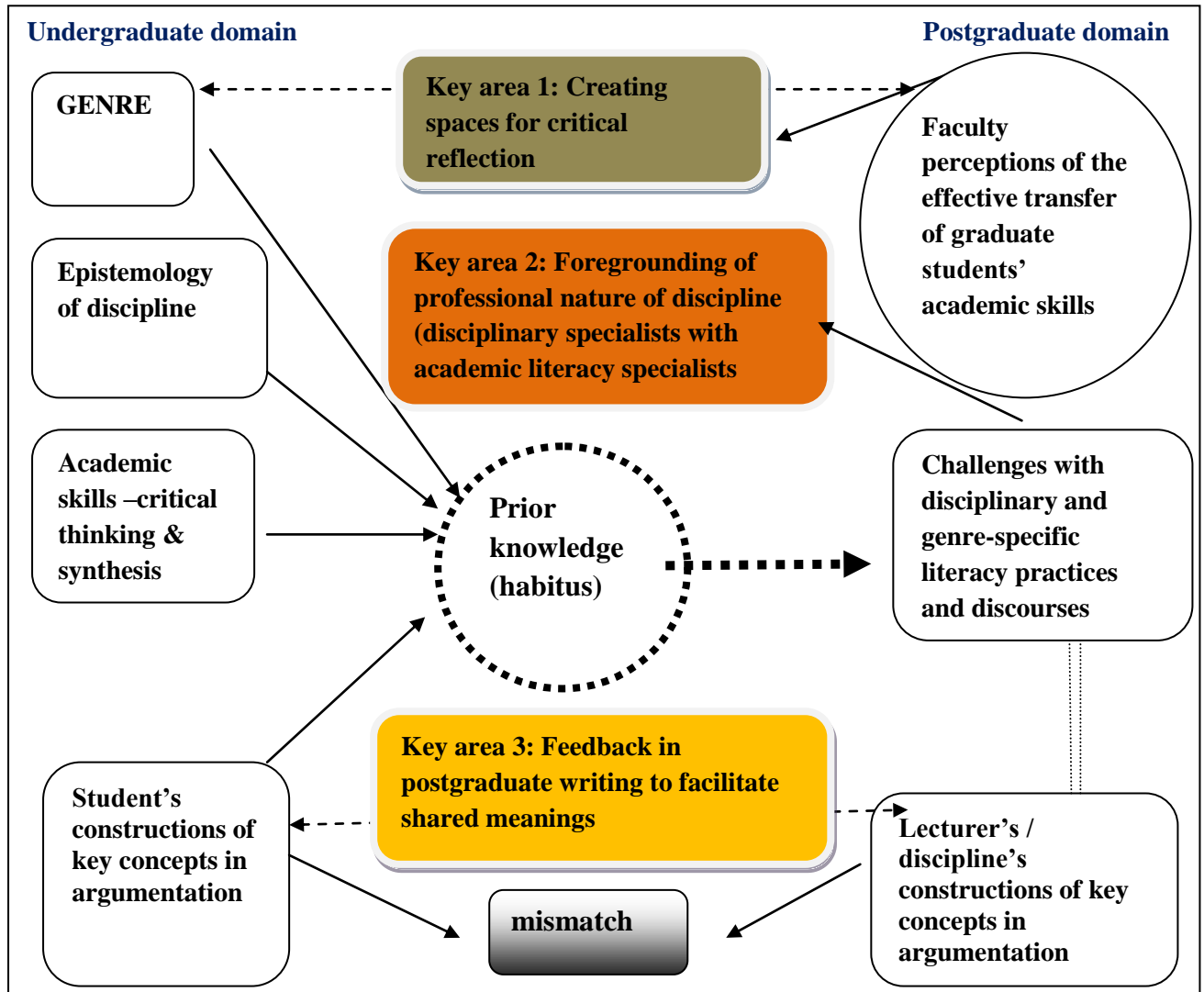
In terms of the sentence-level exploration of their writing, the lexicogrammatical analysis illustrated the extent to which students' level of confidence in engaging with the content directly impacted on their use of modalization. The findings show that the level of confidence in engaging with the theory directly affected students' use of modals in crucial moves within the case analysis. In the next chapter I discuss the findings yielded by the Law and Marketing data and make recommendations which aim to address pertinent issues around teaching and learning in the disciplines.

Chapter 6: Conclusion and Recommendations

6.1 Introduction

In this chapter, I consider the implications of the study's findings for the teaching and learning of dominant genres within postgraduate learning contexts. The findings show that the challenges encountered by the students in their writing can be broadly attributed to a tension between their disciplinary *habitus* they bring from undergraduate writing contexts and the culture of the new discipline. This *habitus* leads to unstable understandings of the communicative purposes of the problem question answer genre and the case analysis which then results in struggles with argument construction. These struggles with discipline and genre-specific literacy practices therefore serve to challenge existing faculty assumptions regarding the effective transfer of skills from undergraduate to postgraduate learning contexts. Drawing on the findings I argue that these assumptions are largely decontextualised and therefore short-sighted. The diagram below illustrates the ways in which the *habitus* impacts on the acquisition of postgraduate literacy practices and discourses, and in doing so, highlights key areas within the teaching and learning process where the challenges emanating from this impact can be addressed. In making recommendations for the effective induction of Social Science graduates into applied postgraduate disciplines, these key areas are discussed in detail.

Figure 11: Highlighting key areas of focus for Social Science graduates making the transition into professional postgraduate disciplines



On the left-hand side are the elements which constitute the *habitus* which is transported to the postgraduate contexts of learning. The findings have shown the impact these elements have on students' argumentation at the postgraduate level. I have placed 'genre' at the top to illustrate that the struggles experienced by the students in transition come about as a result of their attempts to produce the dominant genres within their postgraduate disciplines. On the right-hand side under the 'postgraduate domain' are the various factors which the study has shown to contribute to the challenges students face at this level. Students enter into disciplines where they are assumed to be in possession of a set of skills which will facilitate

their engagement with the literacy practices therein. However, as the data have shown, these assumptions are largely decontextualised and fail to consider the nature of the contexts within which students will apply these skills.

In arguing that these assumptions are largely decontextualised, the study foregrounds two broad struggles which the students experienced in the process of transition. The first concerns the challenges evident in their attempts to work within the boundaries dictated by disciplinary and genre-specific literacy practices in constructing arguments. The second struggle, which is directly linked to the first as illustrated in the diagram, concerns the mismatch between the discipline's and students' conceptualisations of the notions of 'voice' and 'audience'. Students transport these conceptualisations from their undergraduate learning contexts into the postgraduate domain with negative consequences for their argumentation. Both these factors have influenced my decision to view the study's research contexts, particularly the Honours and the Marketing postgraduate diploma, as 'transitional' postgraduate studies, during which students can reconcile epistemologies and literacy practices as they prepare for entry into the postgraduate proper or the workplace.

6.2 The role of *habitus* in the process of disciplinary enculturation

Students' struggles with discipline and genre-specific literacy practices can be explained by looking at two factors: students' unstable understandings of the communicative purposes of the PQA and the written case analysis which then affected their engagement with the move structure of the genres. The discussion in the section which follows addresses these understandings before discussing the consequent effects of these on their engagements at the level of move structure and lexico-grammar.

6.2.1 Addressing the impact of disciplinary *habitus* on students' understandings of the communicative purposes of dominant genres within professional disciplines

As discussed in the two previous chapters, the challenges which students encountered in engaging with the dominant genres within their disciplines included struggles with appropriate engagement with disciplinary CTP (warrants) as well as with negotiating the move structures of these genres which both affected their argumentation. While one would argue that struggles with the warrants of a discipline constitute a necessary hurdle which all

disciplinary novices have to negotiate, this study points to the ways in which these struggles are informed by different ways of engaging with knowledge within disciplines.

The findings of the study thus make a compelling case for the meaningful articulation of the communicative purposes of dominant genres to disciplinary novices in relation to the knowledge which they bring. In envisaging ways in which to concretise this, educators are encouraged to create enabling spaces or environments where postgraduate writers in transition can reflect on the differences between the communicative purposes of prior and current genres (see figure 11 – key area 1). Accompanying this reflection would be an illustration of the ways in which these differences affect argument construction. If students are to engage meaningfully with the new disciplines into which they graduate, then the educators' socialising practices have to take into account the fact that the transition entails a reconciling of different forms of knowledge; a process which impacts on students' writing in significant ways. Educators' teaching and support structures therefore need to be reflective of this. The study envisages that, within these spaces, students can legitimately question so as to gain insight into the ways in which the epistemology shaping past discourse communities can potentially get in the way of a sound understanding of the communicative purposes of the genres within the new discipline. This has parallels with what Harris (1989:19) concludes, that in the process of initiating students into the values and practices of a new discourse community, academics need to make available to students "the chance to reflect critically on those discourses...to which they already belong".

Concretising this in the context of Criminology would mean that the informal discussions around the tensions brought about by differences in undergraduate and postgraduate disciplinary discourses which the students raised in their tutorials could be formalised within a tutorial space. Since the 'special tutorials' within the Criminology Honours programme were established with the objective of addressing the students' lack of a legal background, it would make sense to extend this objective to include a formal addressing of the impact of their disciplinary backgrounds on their learning. This would mean that the act of questioning a discipline's knowledge-making practices is not perceived as a mere

distraction but as a legitimate means of facilitating a better understanding of the communicative purpose of its key genres.

6.2.2 Addressing struggles with engaging with the generic move structures of key genres

The challenge with understanding the genres' social purposes which I discuss in the previous section inevitably raises questions around the ways in which these genres are mediated to students. The generic move structures constituting the PQA and the case analysis to which students are introduced at postgraduate level differ significantly from those of the argumentative essay, which constituted a dominant genre at the undergraduate level. Ellis *et al.* (2001), in advocating for a form-focussed approach to teaching writing, emphasise the importance of focussing on form in immersion programmes while simultaneously addressing students' communicative language use. They maintain that doing so serves to enhance their use of the new linguistic forms which they encounter. In support of this, Writing in the Discipline (WID) based approaches suggest that if the generic conventions with which students have to engage as they write are taught explicitly, a major part of the problem presented by the transition to a new disciplinary discourse community would, to a certain extent, be addressed. Data yielded by the second interview which focused on writing reflected that the Law students were grateful for the *FILAC* structure which provided a visual mind map for structuring their arguments. This points to the importance of providing student writers' with some kind of map of the structural moves informing the genre accompanied by discussions of how the communicative purpose of the genre gives meaning to its structure.

Since students' struggles with the move structures were intensified by their attempts to question and challenge the rules guiding these structures, it is necessary to address a 'solution' provided by studies on disciplinary enculturation which I find contradictory. Malinowitz (1998:309) writes about the often disempowering effect of the writing-in-the-disciplines movement and how it forces student writers to adhere to the dominant disciplinary conventions which influential and prominent members seek to preserve at all costs. In seeking some kind of remedy to this problem, she argues that, "students should know that

they have strategic choices - to play by the established rules or to challenge them – and should be helped to find appropriate support for each choice”. This presentation of a ‘choice’, which implies that students are in a position to challenge a discipline’s existing rules, is evident in various ways in other studies which address disciplinary enculturation (see also Clark & Ivanič, 1997). Literacy/genre specialists are in agreement that challenging a genre’s discourse conventions within one’s own writing is a feat which is possible from the advantaged position of a mature writer who has mastered these conventions, and who is therefore unlikely to be engaged in high-stakes writing within the contexts in which they seek membership. However, statements such as the one by Malinowitz direct this challenging to the site of struggle, to students’ writing. This then leads one to question the extent to which the implications for students’ writing are considered and the constraints of this ‘choice’.

I draw on the study’s findings to argue that the implications of challenging dominant discourses are likely to vary according to the nature of the discipline, and, as a result, are likely to have more serious repercussions in one discourse community than in another. In a discipline like Law - and in a course such as Criminal Law with its rigidly structured PQA genre - challenging its discourse conventions and values, as the students quickly learn, is best done in settings outside of the writing. In those external settings even, students are constantly reminded of the discipline’s ‘rules’. This supports the need to create meaningful spaces where challenging can happen *alongside* a realistic appraisal of the implications of students’ novice status for challenging and questioning. In this process, the applied nature of the discipline which guides the structure of these genres would be emphasised to disciplinary novices (see figure 11 – key area 2). The importance of academic literacy specialists working together with disciplinary experts cannot be emphasised enough in this process. In addition to facilitating access to the literacy practices of the discipline, the academic literacy specialist, with input from disciplinary experts, could facilitate tasks which encourage the student to engage critically with the principles underlying the form of the discipline’s genres. This needs to be an important part of the process of inducting postgraduate students into a new discipline, one that needs to occur alongside a thorough demystifying of the intellectual and cultural demands of the specialized genres therein.

The students’ struggles with the genres’ move structures also point to the interventions that the Law faculty’s Writing Centre provides. In reviewing students’ essays,

the Writing Centre has typically focused on the grammatical and technical aspects of students' writing such as referencing techniques. The students' struggles with engaging with the discourse moves of the PQA emphasise the need for a balanced intervention which focuses on both form and function.

6.2.2.1 The language behind the language in Law: a double load

As the findings show, an aspect of the Law students' struggles with engaging with the PQA and the discipline as a whole was tied to the precise nature of legal discourse with regard to sentence structure as well as to the specialised meaning of specific terms within a legal context. Having to engage with this in the process of constructing their arguments therefore presented them with a double load. Unstable understandings of the communicative purpose of the PQA meant an ineffective engagement with the rhetorical structures of the genre and its specialised way of presenting legal arguments. This had implications for their argumentation, as is clearly illustrated in their attempts to use the rhetorical structure of concession in their PQAs. In the course of their undergraduate studies in the Social Sciences, the students had to address language problems brought about by their ESL status. During this time the students developed various strategies to address this particular challenge. At the postgraduate level, the problem (re)surfaced, where the nature of legal language meant that they had to engage not only with the meanings of specialised legal terms, but also with the language through which the law is mediated.

These findings underscore the need to make explicit the rhetorical structures around which the genre is shaped, and to highlight to student writers the significance of these structures for constructing meaning. Students come to mimic language use, which may be a good practice in itself as it provides them with a learning tool in the initial stages of the transition. Indeed, Gee (1990:159) writes about how this mimicking practice, which he terms "mushfaking", facilitates access into the discourses of a particular social context. However, straight mimicking without an understanding of the significance of certain language-using practices does not enhance the student's appreciation of the discipline's cultural practices and significance thereof. In addition to the special tutorials which are a valuable intervention for

students without a law background, the findings suggest that a separate intervention which would complement these tutorials would be a good place to address, in explicit ways, the nuances around language/discourse use in this specific context. Once again, it is envisaged that academic literacy specialists would work with disciplinary experts in providing this support.

The specialised legal vocabulary which students encounter presented as a challenge in the process of their transition. Bizzell (1992:145) maintains that the ability to use disciplinary vocabulary is often the first test of initiation in a discourse community. She argues that the adequate use of disciplinary vocabulary is not only tied to the students' understanding and appreciation of the discipline's paradigm but that it is imperative that the student sees this paradigm as being of value and worth ascribing to. Her statement holds much relevance for the Criminology students' transition into Law as their struggles with key notions such as 'reasonableness' were tied to struggles with coming to terms with the values of the discipline as a whole.

In perusing the literature around students' use of legal discourse it became evident that there is a lack of detailed studies which explore the ways in which students entering a new discourse community come to acquire or learn the discipline-specific vocabulary which, like legal discourse, tends to be highly specialised with context-specific meanings attached to central concepts.

6.2.3 Mismatches between undergraduate Social Science and postgraduate professional constructions of 'voice' and 'audience'

The ways in which students described the values of their new learning contexts in their interviews indicated they were aware of the differences between these and those shaping their undergraduate discourse communities. Despite this awareness, students' constructions of 'voice' and 'audience' in their postgraduate argumentation continued to be shaped by their uses of these notions in their undergraduate majors. The findings show how the mismatches between students and disciplinary members' understandings of these terms affected the students' ability to address the professional aspect of the communicative purposes of the genres. These mismatches underscore the need for a dialogue between educators and student

writers on the 'appropriate' uses and understandings of 'voice' and 'audience' within professional disciplines, rather than an assumption that there is a shared meaning between student and assessor. As is illustrated in figure 11, the study highlights the area of written feedback as a key area where these mismatches could be addressed and thus prevented (see key area 3).

Even though issues around student feedback fall outside the scope of this research, the findings illustrate the implications of poor quality feedback on students' understandings of disciplinary values. While the nature of the feedback in the Criminal Law PQAs succeeded in raising awareness of disciplinary differences through its careful modeling of the genre's discourse conventions and values (and of the discipline as a whole), the quality of the feedback in most of the marked essays served to undermine the purpose of this activity. Students were often left with more questions than solutions due to their markers' feedback (or in some cases, lack of it) which meant that they were ignorant of the disciplinary understandings guiding the tutor's comments. This serves to illustrate the importance of ensuring a shared understanding of important, but often taken for granted concepts and understandings within disciplinary contexts. This is especially crucial given the significance of 'audience' in argument construction within the Marketing discipline.

6.3 Intersection of academic and professional practices

The intersecting of the academic and the professional contexts within applied disciplines is evident in the role of tacit knowledge in the effective engagement with the Marketing discipline. This highlights what I feel is an important issue which is, more often than not, not given the attention it deserves. The literature correctly identifies the role of tacit knowledge as a significant factor within the field but the discussions around this issue tend to be at an abstract theoretical level or are discussed mostly in the context of workplace literacies (see for example, Hackley, 1999 and Tsoukas, 2006). Through its close analysis of the students' engagement with the literacy practices of their disciplines, the study provides concrete illustrations of the ways in which a lack of this knowledge affects students' abilities to effectively engage with these literacy practices. This is evident in the specialised reading of case reports in Law and in the conducting of market research within the Marketing diploma. In both contexts, an effective engagement with the discipline's literacy practices depends, to a significant extent, on the acquisition of tacit knowledge as well as the

understanding of the discipline's epistemology and its interface with the professional domain. An awareness of the ways in which a lack of this type of knowledge potentially affects effective engagement with the discipline's literacy practices is therefore necessary and hopefully translates into teaching practices which address students' novice status within the discipline.

6.4 The 'push and pull' of discourse and implications for agency

The findings have clearly illustrated that the ways in which the active worldviews that students bring with them to the transition process have significant implications for their engagement with the layers of discourse as conceptualised by Fairclough (1992). The effect of dominant discourses on students' engagement within their postgraduate disciplines points to a phenomenon which can be understood as the 'push and pull' of discourse. This phenomenon typically alludes to the ways in which the dominant discourses constituting new learning contexts possess a magnetic pull due to their ability to facilitate access to knowledge while simultaneously 'forcing' students to take them on at the expense of embodied discourses, resulting in feelings of ambivalence. This process is usually perceived by 'becoming members' as a 'pushing' out of the embodied discourses so as to create space for the new.

In this study, the 'pull' of discourse is obvious in the way in which the students yield to the dominant disciplinary discourses, even though they feel that this occurs at the expense of a significant part of their Social Science identities. In the forging of new disciplinary identities, they are aware of the power afforded by the discipline's knowledge construction and validation processes and thus resign themselves to 'take on' the values of the discipline, albeit with purely instrumental motives. This results in a feeling of being pulled in two directions as they struggle to reconcile their investment in their Social Science identities with the worldview which the discourses within their postgraduate disciplines requires.

The 'push' of discourse, on the other hand, could be said to be multi-faceted in that it simultaneously positions students as both objects and subjects, at the mercy of these discourses while simultaneously acting out against them. While their novice status is illuminated through the ways in which the discourse initially pushes them to the margins of

their disciplinary discourse communities, the students attempt to exercise their agency through their acts of resistance. This resistance then comes to represent a ‘pushing’ away of the discourses which they feel threaten the identities in which they are invested. Their initial resistance to the dominant modes of thinking, believing and being (Gee, 1990) within Law and Marketing then comes to mark their agency in significant ways. This agency of resistance is evident in the ambivalence and tensions which characterise students’ transitions into their new disciplines as well as in their questioning of the knowledge-validation practices and the ways in which this knowledge is mediated in their learning contexts. Within an educational context it is generally understood that transitions are, by their very nature, hardly ever a linear process (see for example, Bangeni & Kapp, 2005; Green *et al.*, 2009). Indeed, the undergraduate study details the ways in which the research participants struggled to reconcile the home and university space in their initial year at the institution. This study thus takes the view that this tension and ambivalence should not only be seen as potentially unsettling, but as also having the potential to create a platform from which to question and hopefully transform the ways in which prevailing social practices are mediated within the disciplines.

Students’ acts of agency, in the sense of resisting dominant disciplinary discourses, do not have the desired outcomes, but are nevertheless empowering in significant ways. They serve to empower the students in that their actions of resisting result in a carving out of alternative spaces where a critical questioning of the new discourses can occur. At undergraduate level, more especially in their first year of study, students did not possess the confidence to act as they understandably did not feel they possessed enough knowledge to challenge or question. Their writing behaviour was largely deferential, from the ways in which they perceived and engaged with the views of the theorists they encountered in their course readings, to consulting with tutors rather than lecturers (see Kapp & Bangeni, 2009). At the postgraduate level, the knowledge which they bring with them from their undergraduate studies is what fuels the belief that they can and should be able to challenge and to a certain extent, transform the ways in which their respective disciplines construct and engage with knowledge.

The students’ questioning of the ways in which knowledge is (re) produced in both legal and business argumentation has an empowering effect as they are able to claim a part of the learning space where they can reflect on their position in relation to these disciplines’

knowledge construction processes and discourses. These discourses, therefore, do not have a silencing effect. Instead, the students take a questioning stance in relation to them and actively weigh them in relation to what they bring. This questioning does not take place in private spaces or in individual reflection papers but is taken to public spaces such as tutorial discussions and in individual consultations with both lecturers and tutors and within the research process in their interviews and reflection papers. In some instances the questioning extends to a discussion of the power relations at play and their potential effect on academic performance. A significant factor therefore, that could be said to characterise the experiences of graduate students in transition, is the ability to question and challenge not only the discourse practices which they encounter, but their lecturers/tutors mediation of knowledge and the resultant impact of this on their own learning.

6.5 A case of ‘It is greener on the other side?’

One of the issues that the findings bring up is the nostalgic way in which the students tended to perceive the undergraduate context and the harmonious picture they paint when comparing it to their new disciplines. The ways in which students view their undergraduate disciplines are reminiscent of the view of a discourse community from which Harris (1989) encourages scholars to move away; one which characterises the relations between members of the community as harmonious and downplays the conflicts experienced as part of this process. This is evident in the way in which the students refer to the Humanities as a unified structure rather than as constituted by distinct disciplines, each with its distinct discourse. The data elicited by the undergraduate study, however, show how the students’ negotiation of these disciplinary discourses is a process that was not without conflict (see Kapp & Bangeni, 2009 for a more detailed analysis of this process). What this suggests is that the tensions that are brought about by having to accommodate new ways of engaging with knowledge serve to downplay the challenges they encountered in the process of enculturation into their undergraduate disciplines. Having said this, an important contribution of this study is that while it acknowledges the fact that the process of encountering new learning contexts is, more often than not, characterised by feelings of insecurity, the study moves beyond this taken-for-granted assumption to look at the concrete ways in which this insecurity plays out in the ways in which students who have achieved relative writing success in other contexts engage with literacy. By doing so, the study makes a significant contribution to research in

the area of situated writing as it explores the phenomena of ‘genre’ and ‘discourse community’ empirically rather than assuming them as given.

6.6 The study’s contribution to the area of transition studies

Most studies which seek to understand student writers’ transitions into new disciplines at the postgraduate level have tended to focus on a single source of data, either the student’s or lecturer’s perceptions of the transition, which means that the focus is less on actual engagements with literacy (see for example, Symons’ 2001 study of international students’ transition into postgraduate coursework programmes in Australia). My study has gone a step further through its methodology of placing students’ perceptions alongside their writing and their lecturers’ understandings as reflected in their feedback. The study’s contribution to this area of knowledge therefore is evident in its valuing of a methodology which makes it possible to characterise students’ struggles from multiple perspectives. This has made it possible to uncover mismatches and contradictions in students’ and lecturers’ disciplinary constructions of key concepts which might have otherwise remained unexposed. Moreover, the consideration of students’ perceptions alongside an analysis of their writing allows one to see that it is the *ways* in which students engage with the theoretical underpinnings of their disciplines rather than a struggle with understanding this theory that constitutes the major part of their challenges within the transition process.

Based on the findings I tease out two prominent factors, that of ‘investment’ and that of *habitus* as shaped by the literacy practices of past disciplines. In foregrounding these factors, the study argues that the literature which considers the ways in which novices come to acquire the literacy practices of a discipline and the modes of argumentation associated with the genres therein does not give these factors due recognition. Drawing on students’ perceptions of their transition into postgraduate studies as well as the analysis of their argumentation, I argue that these factors significantly assist in explaining students’ various challenges regarding the extent to which they are effectively able to engage with their disciplines’ dominant genres and knowledge validating practices. The data on which I base my conclusions signal that the degree to which one is invested in the discipline as well as the disciplinary *habitus* they bring are not to be discounted in the exploration of the disciplinary enculturation of postgraduate student writers.

The longitudinal aspect of the study adds a significant contribution to transition studies which look to perceptions in providing explanations of students' challenges. While the study has shown the value of considering students' perceptions of phenomena, it also highlights how these perceptions are subject to change under pressure from factors such as context and varying levels of investment, thus necessitating a longitudinal consideration of students' experiences within the institution. Tracing the paths of ESL students through a longitudinal account of their experiences also enables a view into the 'choices' which students have to make as they negotiate their degree paths. In most instances, the quality of education with which they enter the institution significantly limits their options. The data attest to the strategising which they have had to do from their first year at the institution. This strategising continues into their postgraduate studies as the degrees they 'choose' are a means of gaining employment, responding to family expectations, or constitute a path which has the potential to open up access to their first choice of degree.

From a methodological perspective, the study has also illustrated the ways in which the research process offers yet another platform from which students can challenge and question. The reflection papers and interviews opened up spaces within which the research participants could attempt to make sense of the knowledge-making practices of their new disciplines, as well as shifts in their identities both within and outside of the institution. This is expressed by Andrew in his undergraduate reflection paper: "Having had this opportunity to do some introspection and retrospection in our interviews and in this reflection paper, one can see how one has truly moved on since entering varsity in our first year". This then adds another perspective to Limerick *et al.*'s (1996) characterisation of the interview as a gift from interviewee to interviewer; one which emphasises the reciprocity of this relationship.

6.7 Being reflexive

In my discussion of the study's methodology, I referred to the importance of reflexivity in qualitative research (see chapter 3, section 3.7). In that section, I discuss the significance of the study for myself as a researcher and for my work as an academic literacy practitioner. There are ways in which my "social autobiography" (Scott & Usher, 1996:32), particularly my identity as an academic researcher working within the Academic Development

Programme, has been influenced in the course of the research process. Conducting research in the area of postgraduate studies has, first and foremost, heightened my awareness of the literacy needs of students moving into new disciplines at this level of study. As evidenced by the data analysis within the two contexts, the focal point of the thesis became less about the ‘postgraduateness’ of the space which the students are entering but about disciplinarity. My experience of the difficulties faced by disciplinary novices is mostly located at the first year of their undergraduate studies. The findings drawn from this study highlight that the transition to postgraduate studies is just as challenging, but is often assumed to be a smoother one, involving confident academic writers who have developed competence in writing at undergraduate level and who can therefore confidently transfer the skills acquired in this context to postgraduate contexts of learning.

The findings thus highlight the need for academic support beyond the first year. The institution’s objective of identifying innovative ways of integrating academic literacy within course curricula should therefore extend to the postgraduate level as well. Currently, the work which I do at this level focuses on facilitating students’ engagements with research genres, mainly in the production of the genre of the research proposal. While interventions at this level remain important, it is imperative that the institution provide more interventions for the support of students engaged in postgraduate coursework degrees and diplomas, more specifically at the lower end of the postgraduate spectrum. This is especially important as the data have pointed to the complexity of the negotiations which occur within this third space.

The study has also made me aware of the complicated positions in which academics invariably find themselves in the course of the teaching and learning process. In carrying out their teaching duties, academic teaching staff can find themselves having to negotiate between meeting the institution’s expectations of them and addressing students’ own expectations of how they should engage with(in) their disciplines. Observing the various responses of tutors and lecturers to the participants’ need of having their prior knowledge affirmed, has resulted in a deeper appreciation of the negotiations between students and their educators. While these negotiations attest to the difficulties encountered by the students in the transition process, they are important as they challenge autonomous views of the “unidirectionality of the teacher-student relation” (Lillis & Scott, 2007:13). However, as

important as these negotiations are for learning, they are, more often than not, relegated to the back of the teaching experience.

6.8 Future research

Given the complexity of responding to the requirements of the academic genres in which students are required to straddle academic and professional contexts, it is imperative that research be conducted into the ways in which students entering the workplace from these academic contexts negotiate the workplace literacies therein. Most of the studies that explore the extent to which there is articulation between professional and academic contexts have tended to seek the perspective of accomplished academics and professionals rather than the students who have to work first-hand at negotiating the literacy practices of these two different contexts. Those studies which do seek the student perspective [see for example, Maistre & Paré's, (2004) longitudinal study of school to work transitions] do not extend this enquiry to differences in the writing practices within these contexts. With the exception of Hollis-Turner and Scholtz (2010), research which does focus on close analysis of the writing practices in academic and professional settings is situated outside of South Africa. The groundbreaking studies of Freedman and Medway (1994) into the differences between the literacy practices within these two contexts, as well as Dias *et al.*'s (1999) seven-year study of the practices informing academic and professional writing, are located within an entirely different context (North America) with a significantly different culture guiding their workplace practices. This therefore underscores the need for more research into this phenomenon within South Africa.

6.9 Concluding remarks

The struggles which students experience in producing the dominant genres of their new disciplines point to the value of a critical pedagogy at the postgraduate level. Educators need to be alert to the literacies that postgraduate students in course work programmes bring with them, and the ways in which these, even though empowering in their own right, can result in an uneven playing field. In the light of this, educators need to take into account the ways in which students entering new disciplinary discourse communities view the dominant ways of creating knowledge, and how the power relations therein serve to position them. The

data yielded by this study do not solely serve to highlight the nature of students' struggles with argumentation. Perhaps more importantly, they illustrate how the students' novice status within their discourse communities enables a critique of the power relations inherent within the teaching methods as well as within the genres of power within these discourse communities. Foucault (1980), in theorising about the productive nature of power, maintains that power produces discourse, and vice versa. It is therefore imperative that as educators we heed the call to make explicit what is taken for granted as constituting the literacy practices and skills possessed by postgraduate students by virtue of their postgraduate status. Failure to do this is likely to result in a learning situation which reinforces conventional power relations, thereby limiting access to the discourses of key genres.

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Bibliography

Books, journals and internet articles

- Afful, J.B. (2009). Advanced Academic Literacy and the Role of Academic Editors in Research Writing. *Nebula* 6(4): 19-39.
- Baderin, M. A.(2005). Towards Improving Students' Attendance and Quality of Undergraduate Tutorials: A Case Study on Law. *Teaching in Higher Education* 10 (1): 99-116.
- Bangeni, B. & Kapp, R. (2006). "I want to write about the Dalai Lama without being penalised": Literacies in transition. In L. Thesen & E. van Pletzen (eds). *Languages of Change*. New York, London: Continuum Publishers, pp. 67-83.
- Bangeni, B. & Kapp, R. (2007). Shifting language attitudes in a linguistically diverse learning environment. *Journal of Multilingual & Multicultural Development* 28 (4): 253 -269.
- Barkhuizen, G.P. (1998). Discovering Learners' Perceptions of ESL Classroom Teaching / Learning Activities in a South African Context. *TESOL Quarterly* 32 (1):85-108.
- Basson, R. & Nonyongo, E. (1997). Interpreting the Student Perspective on DUSPRO Tutorial Support and its Implications for a Distance Education Provider. *SAJHE/ SATHO* 11 (2): 97-110.
- Bayer, T.; Curto, K. & Kriley, C. (2005). Acquiring Expertise in Discipline-Specific Discourse: An Interdisciplinary Exercise in Learning to Speak Biology. *Across the Disciplines*, 2. Retrieved [June 1, 2008] from http://wac.colostate.edu/atd/articles/bayer_curto_kriley2005.cfm
- Beasley, C. J. (1993). Language and Content: The Case of Law. In Bird, N.; Harris, J. & Ingham M (eds). *Language and Content*. Hong Kong: Institute of Language in Education, pp 304-330.
- Becher, T. (1989). *Academic Tribes and Territories: intellectual enquiry and the cultures of disciplines*. Society for Research into Higher Education: Open University Press.
- Becher, T. & Trowler, P. (2001). *Academic Tribes and Territories: intellectual inquiry and the cultures of disciplines*. (2nd edition). Buckingham: Open University Press/SRHE.
- Bekerman, Z. (2006). "It's we, the researchers, who are in need of renovation". *Journal of Research Practice* 2(1), Article P1. Retrieved [23 June, 2008] from <http://jrp.icaap.org/index.php/jrp/article/view/25/45>

- Bell, J. (1987). *Doing your research project: A guide for first time researchers in Education and Social Science*. (2nd edition). Philadelphia: Open University Press.
- Berbrier, M. (1997). From Logos to Pathos in Social Psychology and Academic Argumentation: Reconciling Postmodernism and Positivism in a Sociology of Persuasion. *Argumentation* 11 (1): 35-50.
- Berkenkotter, C. & Huckin, T. (1995). *Genre Knowledge in Disciplinary Communication: Cognition/Culture/Power*. New Jersey: Lawrence Erlbaum Associates.
- Berteau, S. (2004). Certainty, reasonableness and argumentation in Law. *Argumentation* 18 (4): 465-478.
- Bhabha, H. (1994). *The Location of Culture*. London: Routledge.
- Bhatia, V.K. (1993). *Analysing Genre: Language Use in Professional Settings*. London: Longman.
- Bhatia, V.K. (2004). *Worlds of Written Discourse: A genre-based view*. London: Continuum.
- Bickman, L. & Rog, D. (1998). *Handbook of Applied Social Research Methods*. London: Sage Publications.
- Bitchener, J. & Basturkmen, H. (2005). Perceptions of the difficulties of postgraduate L2 thesis students writing the discussion section. *Journal of English for Academic Purposes* 5(1): 4-18.
- Bizzell, P. (1982). College composition: Initiation into the academic discourse community. *Curriculum Inquiry* 12 (2): 191-207.
- Bizzell, P. (1992). *Academic Discourse and Critical Consciousness*. Pittsburgh: University of Pittsburgh Press.
- Blaxter, L.; Hughes, C. & Tight, M. (1996). *How to research*. Buckingham: Open University Press.
- Blommaert, J. (2010). *The Sociolinguistics of Globalization*. Cambridge: Cambridge University Press.
- Blommaert, J. & Bulcaen, C. (2000). Critical Discourse Analysis. *Annual Review of Anthropology* 29:447-466.
- Boughey, C. (2005). Epistemological Access to the University: An Alternative Perspective. *South African Journal of Higher Education* 19 (3):638-650.
- Bourdieu, P. (1990). *The Logic of Practice*. Stanford, California: Stanford University Press.
- Bourdieu, P. & Wacquant, L. (1992). *An Invitation to Reflexive Sociology*. Chicago: The University of Chicago Press.

- Boyd, F.A. (1991). Business English and the Case Method: A Reassessment. *TESOL Quarterly* 25 (4):729-734.
- Bruce, N. (2002). Dovetailing language and content: Teaching balanced argument in legal problem answer writing. *English for Specific Purposes* 21 (4): 321-345.
- Burman, E. & Parker, I. (eds). (1993). *Discourse Analytic Research: Repertoires and Readings of Texts in Action*. London: Routledge.
- Burns, R.B. (1997). *Introduction to Research Methods*. (3rd edition). London: Sage.
- Burns, R. B. (2000). *Introduction to Research Methods*. (4th edition). London: Sage.
- Cadman, K. (1997). Thesis writing for international postgraduate students: a question of identity? *English for Specific Purposes* 16(1):3-14.
- Cadman, K. (2002). English for Academic Possibilities: the research proposal as a contested site in postgraduate genre pedagogy. *Journal of English for Academic Purposes* 1(2): 85-104.
- Canseco, G. & Byrd, P. (1989). Writing requirements in graduate courses in business administration. *TESOL Quarterly* 23 (2):305-316.
- Carney, T. F. (1972). *Content Analysis: A Technique for Systematic Inference from Communications*. London: University of Manitoba Press.
- Casanave, C. (2003). Looking ahead to more sociopolitically-oriented case study research in L2 writing scholarship (But should it be called “post-process”?). *Journal of Second Language Writing* 12: 85–102.
- Čepon, S. (2005). Business English in Practical Terms. *Scripta Manent: Journal of the Slovene Association of LSP Teachers* 1 (1): 45-54.
- Charrow, R. & Charrow, V. (1979). Making Legal Language Understandable: A Psycholinguistic Study of Jury Instructions. *Columbia Law Review* 79 (7):1306 -1374.
- Chin, E. (1994). Ethnographic Interviews and Writing Research: A Critical Examination of the Methodology. In P. Smagorinsky (ed). *Speaking about Writing: Reflections on Research Methodology*. London: Sage Publications, pp 247-272.
- Christie, P. (2008). *Changing schools in South Africa: Opening the Doors of Learning*. Johannesburg: Heinemann.
- Clark, R. & Ivanič, R. (1997). *The Politics of Writing*. London: Routledge.
- Clough, P. & Nutbrown, C. (2002). *A Students' Guide to Methodology: Justifying Enquiry*. London: Sage Publications.
- Conley, J.M. & O'Barr, W.M. (1998). *Just Words: Law, Language and Power*. Chicago: University of Chicago Press.

- Connor, U. & Kramer, M. (1995). Writing from sources: Case studies of graduate students in business management. In D.D. Belcher & G. Braine (eds). *Academic Writing in a Second Language: Essays on Research and Pedagogy*. Norwood, NJ: Ablex, pp. 155–182.
- Cooper, N. & Burnett, S. (2006). Using Discursive Reflexivity to Enhance the Qualitative Research Process. *Qualitative Social Work* 5(1): 111-129.
- Creswell, J. W. (2009). Mapping the Field of Mixed Methods Research. *Journal of Mixed Methods Research* 3(2): 95-108.
- Crosling, G. (2005). Language Development in a Business Faculty in Higher Education: A Concurrent Approach. *Scripta Manent* 1(1): 3-12.
- Danet, B. (1985). Legal Discourse. In T. van Dijk (ed). *Handbook of Discourse Analysis. Vol 1: Disciplines of Discourse*. London: Academic Press, pp. 273-291.
- Davis, J. R. (1995). *Interdisciplinary Courses and Team Teaching: New Arrangements for Learning*. Phoenix: American Council on Education and Oryx Press.
- Denzin, N.K. & Lincoln, Y.S. (1994). Introduction: Entering the field of qualitative research. *Handbook of Qualitative Research*. Thousand Oaks: Sage Publications, pp. 1-17.
- Dhanaraj, C.; Lyles, M.A.; Steensma, H. & Tihanyi, L. (2004). Managing tacit and explicit knowledge transfer in IJVs: the role of relational embeddedness and the impact on performance. *Journal of International Business Studies* 35: 428-442.
- Dias, P.; Freedman, A.; Medway, P. & Paré, A. (1999). *Worlds Apart: Acting and Writing in Academic and Workplace Contexts*. New Jersey: Lawrence Erlbaum Associates, Inc.
- Diaz, R.J; Glass, C.R.; Arnkoff, D.B. & Tanofsky –Kraff, M. (2001). Cognition, Anxiety, and Prediction of Performance in 1st –Year Law Students. *Journal of Educational Psychology* 92 (2): 420-429.
- DiPardo, A. (1993). *A Kind of Passport: A Basic Writing Adjunct Program and the Challenge of Student Diversity*. Urbana: National Council of Teachers of English (NCTE).
- Donald, J.G. (1995). Disciplinary differences in knowledge validation. *New Directions for Teaching and Learning* 64: 6-17.
- Downward, P. & Mearman, A. (2005). Reorienting Economics Through Triangulation of Methods. *Post-autistic Economics Review* 31, article 4. Retrieved [June, 2008] from http://www.btinternet.com/~pae_news/review/issue31.htm
- Dressen-Hamouda, D. (2008). From Novice to Disciplinary Expert: Disciplinary Identity and Genre Mastery. *English for Specific Purposes* 27 (2): 233-252.
- Durkheim, E. (1977). *The Evolution of Educational Thought*. London: RKP.

- Eggs, S. (1994). *An Introduction to Systemic Functional Linguistics*. London: Continuum.
- Ellis, R.; Basturkmen, H. & Loewen, S. (2001). Learner uptake in communicative ESL lessons. *Language Learning* 51: 281-318.
- Ely, M.; Anzul, M.; Friedman, T.; Garner, D. & Steinmetz, A. (1991). *Doing Qualitative Research: Circles within Circles*. London: Falmer.
- Faigley, L. (1985). Nonacademic writing: The Social Perspective. In L. Odell & D. Goswami (eds). *Writing in Nonacademic Settings*. New York: The Guilford Press, pp. 231-248.
- Fairclough, N. (1989). *Language and Power*. London: Longman.
- Fairclough, N. (1992). *Discourse and Social Change*. Oxford: Polity Press.
- Fairclough, N. & Wodak, R. (1997): Critical discourse analysis. In T. van Dijk (ed). *Discourse Studies: A Multidisciplinary Introduction*. Vol. 2. London: Sage, pp. 258-84.
- Fereday, J. & Muir-Cochrane, E. (2006). Demonstrating rigor using thematic analysis: A hybrid approach of inductive and deductive coding and theme development. *International Journal of Qualitative Methods*, 5(1), Article 7. Retrieved [01 September, 2007] from http://www.ualberta.ca/~iiqm/backissues/5_1/html/fereday.pdf.
- Flowerdew, J. & Mahlberg, M. (eds). (2009). *Lexical Cohesion and Corpus Linguistics*. Philadelphia: John Benjamins.
- Flyvbjerg, B. (2006). Five Misunderstandings About Case-Study Research. *Qualitative Inquiry* 12(2): 219-245.
- Forman, J. & Rymer, J. (1999). Defining the genre of the case write-up. *The Journal of Business Communication* 36:103-133.
- Foucault, M. (1980). Two Lectures. In C. Gordon (ed). *Power/Knowledge: Selected Interviews*. New York: Pantheon.
- Freedman, A. & Medway, P. (eds). (1994). *Genre and the new rhetoric*. London: Taylor & Francis.
- Freedman, A.; Adam, C. & Smart, G. (1994). Wearing suits to class: Simulating genres and simulations as genres. *Written Communication* 11:193-226.
- Gee, J.P. (1990). *Social Linguistics and Literacies. Ideologies in Discourses*. London: Falmer Press.
- Gee, J. P. 1996). *Social linguistics and literacies: Ideology in Discourses* (2nd ed.). London: Taylor & Francis.

- Gee, J. P. (1999). *An Introduction to Discourse Analysis: Theory and method*. London: Routledge.
- Gee, J. P. (2004). *Situated language and learning: A Critique of traditional schooling*. London: Routledge.
- Gee, J. P. (2010). *New Digital Media and Learning as an Emerging area and "Worked Examples" as One Way Forward*. Cambridge, Massachusetts: MIT Press.
- Geertz, C. (1973). *The Interpretation of Cultures: Selected Essays*. New York: Basic Books.
- Geertz, C. (1983). *Local knowledge: further essays in interpretive anthropology*. New York: Basic Books.
- Geisler, C. (1994). *Academic Literacy and the nature of Expertise: Reading, Writing and Knowing in Academic Philosophy*. Hillsdale, NJ: Lawrence Erlbaum Inc.
- Gerring, J. (2004). What is a Case Study and What is it Good for? *American Political Science Review* 98 (2): 341-354.
- Gibbons, J. (ed). (1994). *Language and the Law*. London: Longman Group Ltd.
- Gold, J.; Holman, D. & Thorpe, R. (2002). The Role of Argument Analysis and Story Telling in Facilitating Critical Thinking. *Management Learning* 33(3):371-388.
- Goodrich, P. (1987). *Legal Discourse*. New York: St. Martin's Press.
- Granville, S. & Dison, L. (2009). Making connections through reflection: writing and feedback in an academic literacy programme. *Southern African Linguistics and Applied Language Studies* 27 (1):53-63.
- Green, P.; Cashmore, A.; Scott, J. & Narayanan, G. (2009). Making Sense of First-Year Student Life: Transitions as Ethnographic Process. In B. Leibowitz; A. van der Merwe & S. van Schalkwyk (eds). *Focus on First-Year Success: Perspectives Emerging from South Africa and Beyond*. Stellenbosch: SUN PReSS, pp. 47-56.
- Greenbaum, L. (2004). Teaching Legal Writing at South African Law Faculties: A Review of the current position and suggestions for the incorporation of a model based on new theoretical perspectives. *Stellenbosch Law Review* 15(1): 3- 21.
- Govier, T. (2009). *A Practical Study of Argument*. Belmont, CA: Wadsworth.
- Guba, E.G. & Lincoln, Y.S. (1988). The Countenances of Fourth Generation Evaluation: Description, Judgment, and Negotiation. *Evaluation Studies Review Annual* 11: 70-78.
- Gustafsson, M. (1984). The Syntactic Features of Binomial Expressions in Legal English. *Text* 4:123-141.

- Hackley, C.E. (1999). Tacit knowledge and the epistemology of expertise in strategic marketing management. *European Journal of Marketing* 33 (7/8): 720 – 736.
- Halliday, M.A.K. (1973). *Explorations in the functions of language*. London: Edward Arnold.
- Halliday, M. A. K. & Martin, J.R. (1993). *Writing Science: Literacy and Discursive Power*. Oxon: Routledge.
- Harris, J. (1989). The Idea of Community in the Study of Writing. *College Composition and Communication* 40 (1): 11-37.
- Harris, S. (1997). Procedural Vocabulary in Law Case Reports. *English for Specific Purposes* 16 (4): 289-308.
- Heath, S.B. (1983). *Ways with words: Language, life, and work in communities and classrooms*. Cambridge: Cambridge University Press.
- Herrington, A. (1985). Writing in Academic Settings: A Study of the Contexts for Writing in Two College Chemical Engineering Courses. *Research in the Teaching of English* 19 (4): 331-361.
- Herrington, A. & Curtis, M. (2000). *Persons in Process: Four Stories of Writing and Personal Development in College*. Urbana, Illinois: National Council of Teachers of English.
- Hetherington, K. (1998). *Expressions of Identity: Space, Performance*. London, New Delhi: Sage Publications.
- Hollis-Turner, S. & Scholtz, D. (2010): Business writing in academic and workplace contexts. *Southern African Linguistics and Applied Language Studies* 28(3): 239-245.
- Holsti, O. R. (1969). *Content Analysis for the Social Sciences and Humanities*. Reading, MA: Addison-Wesley.
- Honore, T. (1995). *About Law: An introduction*. Oxford: Clarendon Press.
- Howe, P. (1990). The problem of the problem question in English for Academic Legal Purposes. *English for Specific Purposes* 9 (3): 215-236
- Huckin, T. (2004). Content analysis: What texts talk about. In C. Bazerman & P. Prior, (eds). *What Writing Does and How It Does It*. Hillsdale, NJ: Lawrence Erlbaum, pp. 13-32.
- Hyland, K. (1990). A Genre Description of the Argumentative Essay. *RELC Journal* 21 (1): 66-78.
- Hyland, K. (1998). *Hedging in Scientific Research Articles*. Amsterdam: John Benjamins.
- Hyland, K. (2000). *Disciplinary Discourses: Social Interactions in Academic Writing*. Ann Arbor: University of Michigan Press.

- Hyland, K. (2002). Genre: Language, Context, and Literacy. *Annual Review of Applied Linguistics* 22: 113-135.
- Hyland, K. (2004a). *Genre and Second Language Writing*. Ann Arbor: University of Michigan Press.
- Hyland, K. (2004b). Disciplinary interactions: metadiscourse in L2 postgraduate writing. *Journal of Second Language Writing* 13 (2): 133-151.
- Hyland, K. (2005). Stance and engagement: a model of interaction in academic discourse. *Discourse Studies* 7 (2): 173-192.
- Ivanič, R. (1998). *Writing and identity: The discursive construction of identity in academic writing*. Philadelphia: John Benjamins Publishing Co.
- James, N.; Hughes, C. & Cappa, C. (2010). Conceptualising, developing and assessing critical thinking in law. *Teaching in Higher Education* 15 (3): 285-297.
- Jasper, M. A. (2005). Using Reflective Writing within Research. *Journal of Research in Nursing* 10 (3): 247 – 260.
- Johns, A. (1986). Coherence and Academic Writing: Some Definitions and Suggestions for Teaching. *TESOL Quarterly* 20 (2): 247-265.
- Johns, A. (1997). *Text, Role and Context: Developing Academic Literacies*. Cambridge: Cambridge University Press.
- Johnson, D.M. (1992). *Approaches to research in second language learning*. New York: Longman.
- Jones, B.; Coetzee, G.; Bailey, T. & Wickham, S. (2008). *Factors that facilitate success for disadvantaged higher education students*. Rural Education Access Programme. Retrieved [September, 2011] from <http://www.reap.org.za/REPORTS/RESEARCH>.
- Kamberelis, G. & Dimitriadis, G. (2005). *On Qualitative Inquiry: Approaches to Language and Literacy Research*. New York: Teachers College Press.
- Kapp, R. (2004). ‘Reading on the Line’: An analysis of Literacy Practices in ESL Classes in a South African Township School. *Language and Education* 18 (3): 246-263.
- Kapp, R. & Bangeni, B. (2005). Identities in transition: Shifting Conceptions of Home among “Black” South African University Students. *African Studies Review* 8 (3):1-19.
- Kapp, R. & Bangeni, B. (2009). Positioning (in) the discipline: undergraduate students’ negotiations of disciplinary discourses. *Teaching in Higher Education* 14 (6): 587 – 596.
- Keen, J. & Packwood, T. (1995). Qualitative Research: Case Study Evaluation. *BMJ* 311: 444-446.

- Kim, J. Y. (2007). Rule and Exception in Criminal Law. *Tulane Law Review* 82: 247- 296.
- Klein, J. (1996). *Crossing Boundaries: Knowledge, Disciplinarity, and Interdisciplinarity*. University of Virginia: University of Virginia Press.
- Klüver, J. & Schmidt, J. (1990). The Disciplinary Realisation of Cognitive Education. *European Journal of Education* 25(3): 305-317.
- Kockelmans, J. J. (1979). *Interdisciplinarity and Higher Education*. University Park: The Pennsylvania University Press.
- Kress, G. (1989). *Linguistic processes in sociocultural practice*. Oxford: Oxford University Press.
- Krippendorff, K. (1980). *Content Analysis: An Introduction to its Methodology*. Beverley Hills, CA: Sage.
- Kvale, S. (2006). Dominance through Interviews and Dialogues. *Qualitative Inquiry* 12(3): 480-500.
- Leedy, P.D. (1980). *Practical Research*. New York: MacMillan.
- Leitao S. (2001). Analyzing Changes in View During Argumentation: A Quest for Method. *Forum: Qualitative Social Research* 2 (3). Retrieved [November, 2006] from <http://www.qualitative-research.net/fqs-texte/3-01/3-01leitao-e.htm>.
- Letseka, M.; Cosser, M.; Breier, M. & Visser, M. (2010). *Student Retention & Graduate Destination: Higher education & labour market access & success*. Cape Town: HSRC Press.
- Li, Y. (2007). Apprentice Scholarly Writing in a Community of Practice: An Intraview of an NNES Graduate Student Writing a Research Article. *TESOL Quarterly* 41 (1): 55-79.
- Lillis, T. (2001). *Student writing: access, regulation, desire*. London: Routledge.
- Lillis, T. & Scott, M. (2007). Defining academic literacies research: issues of epistemology, ideology and strategy. *Journal of Applied Linguistics* 4 (1): 5-32.
- Limerick, B.; Burgess-Limerick, T. & Grace, M. (1996). The politics of interviewing: Power relations and accepting the gift. *Qualitative Studies in Education* 9(4): 449-460.
- Locker, K. O. (1995). *Business and Administrative Communication* (3rd edition). Chicago: Irwin Inc.
- Locker, K. O. & Keene, M.L. (1983). Using Toulmin Logic in Business and Technical Writing Classes. In W.K. Sparrow & A.N. Pickett (eds). *Technical and Business Communication in Two Year Programs*. Urbana, IL.: National Council of Teachers of English, pp. 103-110.

- Luedekke, G. (2003). Professionalising Teaching Practice in Higher Education: a study of disciplinary variation and 'teaching-scholarship'. *Studies in Higher Education* 28 (2): 213-228.
- Lumina, C. (2005). Giving students greater responsibility for their own learning: portfolio assessment and peer-marking as tools for promoting self-directed learning in a second-year law course. *South African Journal of Higher Education* 19(3): 73-88.
- Lung, J. (2006). 'Applied Genre Analysis: Cases in Business and Law'. PhD thesis. City University of Hong Kong.
- Lung, J. (2008). Discursive hierarchical patterning in Law and Management cases. *English for Specific Purposes* 27: 424 - 441.
- MacDonald, S. (1994). *Professional Academic Writing in the Humanities and Social Sciences*. Edwardsville: Southern Illinois University Press.
- Maistre, C. & Paré, A. (2004). Learning in two communities: the challenge for universities and workplaces. *Journal of Workplace Learning* 16 (1/2): 44 – 52.
- Maley, Y. (1994). The language of the law. In J. Gibbons (ed). *Language and the Law*. London: Longman Group Ltd, pp. 11-50.
- Malinowitz, H. (1998). A Feminist Critique of Writing in the Disciplines. In S. Jarratt & L. Worsham (eds). *Feminisms and Composition Studies: In Other Words*. New York: MLA, pp 291-312.
- Marsella, J.; Hilgers, T.L. & McLaren, C. (1992). *How Students Handle Writing Assignments: A Study of Eighteen Responses in Six Disciplines*. In A. Herrington & C. Moran (eds). *Writing, Teaching and Learning in the Disciplines*. New York: MLA, pp 174 -188.
- Mayring, P. (2000). Qualitative Content Analysis. *Forum: Qualitative Social Research*, 1(2), Article 20. Retrieved [November, 1999] from <http://nbnresolving.de/urn:nbn:de:0114-fqs0002204>.
- McCarthy, M. (1991). *Discourse analysis for language teachers*. Cambridge: Cambridge University Press.
- McKenna, S. (2003). Paradigms of curriculum design: Implications for South African educators. *Journal for Language Teaching* 37 (2): 215-223.
- McKenna, S. (2004). A critical investigation into the discourses used to construct Academic Literacy at the Durban Institute of Technology. PhD thesis. Rhodes University.
- Mellinkoff, D. (1982). *Legal Writing: Sense and Nonsense*. New York: Charles Scribner's Sons.
- Mouton, J. (2001). *How to succeed in your Master's and Doctoral Studies: A South African Guide and Resource Book*. Pretoria: Van Schaik Publishers.

- Muller, J. (2009). Forms of knowledge and curriculum coherence. *Journal of Education and Work* 22(3):205-226.
- Nathan, P.B. (2010). A genre-based study of pedagogical business case reports. PhD thesis. University of Birmingham.
- Neumann, R.; Parry, S. & Becher, T. (2002). Teaching and Learning in their Disciplinary Contexts: a conceptual analysis. *Studies in Higher Education* 27 (4): 405-417.
- Newell, W.H. (1992). Academic Disciplines and Undergraduate Interdisciplinary Education: lessons from the School of Interdisciplinary Studies at Miami University, Ohio. *European Journal of Education* 25 (3): 211-221.
- Ngwenya, T. (2006). Integrating language awareness with critical language skills: a legal English experience. *Southern African Linguistics and Applied Language Studies* 24 (1):23-33.
- Nietzsche, F.W (1882). *The Gay Science*. Translated, with commentary, by Walter Kaufmann. Vintage Books.
- Noor, K. B. (2008). Case Study: A Strategic Research Methodology. *American Journal of Applied Sciences* 5 (11): 1602-1604.
- Norton, B. (1989). Towards a pedagogy of possibility in the teaching of English internationally: People's English in South Africa. *TESOL Quarterly* 23 (3): 401-420.
- Norton, B. (2000). *Identity and Language Learning: Gender, Ethnicity and Educational Change*. London: Longman.
- Palmeri, J. (2004). When Discourses Collide: A Case Study of Interprofessional Collaborative Writing in a Medically Oriented Law Firm. *Journal of Business Communication* 41 (1): 37-65.
- Pardoe, S. (2000). Respect and the pursuit of 'symmetry'. In D. Barton; M. Hamilton & R. Ivanič (eds). *Situated literacies: Reading and writing in context*, London: Routledge, pp. 149-166.
- Paretti, M.C. (2006). Audience Awareness: Leveraging Problem-Based Learning to teach Workplace Communication Practice. *IEEE Transactions on Professional Communication* 49(6): 189-198.
- Paulsen, M.B. & Wells, C.T. (1998). Domain differences in the epistemological beliefs of college students. *Research in Higher Education* 39: 365-384.
- Paxton, M. (2003). Developing Academic Literacy in Economics in a South African University. *Literacy and Numeracy Studies* 12 (2): 1-14.
- Peters, M. A. (2004). Educational research: games of 'truth' and the ethics of subjectivity. *Journal of Educational Enquiry* 5 (2): 50-63.

- Prior, P. (1998). *Writing / Disciplinarity: A Sociohistoric Account of Literate Activity in the Academy*. Mahwah, NJ: Lawrence Erlbaum.
- Probert, A. (2006). Searching for an Appropriate Research Design: A Personal Journey. *Journal of Research Practice* 2 (1): 1-12.
- Probyn, M. (2009). 'Smuggling the vernacular into the classroom': conflicts and tensions in classroom codeswitching in township / rural schools in South Africa. *International journal of bilingual education and bilingualism* 12 (2): 123 – 136.
- Punch, K. 2006. *Developing effective research proposals*. London: Sage Publications.
- Ramage, J.; Bean, J. C. & Johnson, J. (2009). Suggestions for Teaching the Toulmin system. Retrieved [June 2010] from http://cwabacon.pearsoned.com/bookbind/pubbooks/ramage2_ab/medialib/toulmin
- Reay, D.; David, M.E. & Ball, S. (2001). Making a Difference?: Institutional *habitués* and Higher Education Choice. *Sociological Research Online* 5 (2): 126-142.
- Reay, D.; David, M.E. & Ball, S. (2005). *Degrees of Choice: Social Class, Race and Gender in Higher Education*. London: Trentham Books.
- Riley, S.; Schouten, W. & Cahill, S. (2003). Exploring the Dynamics of Subjectivity and Power Between Researcher and Researched. *Forum: Qualitative Social Research*, 4(2), Article 40. Retrieved [July, 2004] from <http://nbn-resolving.de/urn:nbn:de:0114-fqs0302400>.
- Rogers, P. (1992). *Analytic Measures for Evaluating Managerial Writing*. Working Paper #647.
- Rossiter, J.R. (2001). What is marketing knowledge? *Marketing Theory* 1 (1): 9-26.
- Rottenberg, A. T. (1997). *Structure of Argument*. Boston, MA: St. Martin's Press.
- Rybacki, K. C. & Rybacki, D.J. (2004). *Advocacy and Opposition: An Introduction to Argumentation*. Boston, MA: Pearson Education Inc.
- Sarup, M. (1996). *Identity, Culture and the Postmodern world*. Edinburgh: Edinburgh University Press.
- Schutz, A. (1967). *The Phenomenology of the Social World*. Illinois: Northwestern University Press.
- Scott, D. & Usher, R. (1996). *Understanding Educational Research*. London: Routledge.
- Scott, I. (2009). First Year Experience as Terrain of Failure or Platform for Development? Critical Choices for Higher Education. In B. Leibowitz; A. van der Merwe & S. van Schalkwyk (eds). *Focus on first-year success: Perspectives emerging from South Africa and beyond*. Stellenbosch: SUN MeDIA, pp. 17-36.

- Scott, I.; Yeld, N. & Hendry, J. (2007). A Case for Improving Teaching and Learning in South African Higher Education. Research paper prepared for the Council on Higher Education. *Higher Education Monitor* No.6
- Scott, T. (2005). Creating the subject of portfolios. Reflective writing and conveyance of institutional prerogatives. *Written Communication* 22(1): 3-35.
- Singer, J. D. & Willett, J. B. (2003). *Applied Longitudinal Data Analysis: Methods for Studying Change and Event Occurrence*. New York: Oxford University Press.
- Slonimsky, L. & Shalem, Y. (2004). 'Pedagogic Responsiveness for Academic Depth'. In H. Griesel (ed). *Curriculum Responsiveness: case studies in higher education*. Pretoria: SAUVCA, pp. 81-101.
- Stake, R.E. (1994). Case Studies. In N.K. Denzin & Y.S. Lincoln (eds). *Handbook of qualitative research*. California: Sage, pp 236-247.
- Sternberg, R.J.; Wagner, R.K.; Williams, W.M. & Horvath, J.A. (1995). 'Testing common sense'. *American Psychologist* 50 (11): 912-927.
- Stewart-Smith, A. (1999). A Linguistic and Discourse Analysis of Legal Language: The Right to Understand Legal Texts and Methods of Rewriting Them. PhD Thesis. University of Cape Town.
- Street, B. (1995). *Social Literacies*. London: Longman.
- Sutton, B. (1997). Writing in the Disciplines, First-year Composition, and the Research Paper. *Language and Learning Across the Disciplines* 2 (1): 46-57.
- Swales, J.M. (1982). The case of cases in English for academic legal purposes. *IRAL* 20(2): 139-148.
- Swales, J.M. (1990). The concept of discourse community. *Genre Analysis: English in academic and research settings*. Cambridge: Cambridge University Press.
- Swales, J. M. & Feak, C. B. (2000). *English in today's research world: A writing guide*. Ann Arbor, MI: University of Michigan Press.
- Symons, M. (2001). Starting a coursework postgraduate degree: The neglected transition. Retrieved [June, 2006] from <http://learning.uow.edu.au/LAS2001/unrefereed/symons.pdf>.
- Thesen, L. (1997). Voices, Discourse and Transition: In search of New Categories in EAP. *TESOL Quarterly* 31 (3): 487-511.
- Thesen, L. & van Pletzen, E. (eds). (2006). *Languages of Change*. London, New York: Continuum Publishers.
- Thomson, R. (2009). *Unfolding Lives: Youth, Gender and Change*. Bristol: Policy Press.

- Tolhurst, D. (2007). The influence of learning environments on students' epistemological beliefs and learning outcomes. *Teaching in Higher Education* 12 (2): 219-233.
- Toulmin, S.E. (1958). *The Uses of Argument*. Cambridge: Cambridge University Press.
- Tredoux, C.; Foster, D.; Allan, A.; Cohen, A. & Wassenaar, D. (2005). *Psychology and Law*. Lansdowne: Juta Academic.
- Trimbur, J. (2010). *The Call to Write*. 5th Edition. Boston, MA: Wadsworth.
- Tsoukas, H. (2006). Do we really understand tacit knowledge? In M. Easterby-Smith & M.A. Lyles (eds). *Handbook of Organizational Learning and Knowledge Management*. Cambridge, MA: Blackwell, pp. 410-427.
- Unger, R.M. (1986). *The Critical Legal Studies Movement*. Cambridge: Harvard University Press.
- Usher, R. (1996). 'A Critique of the Neglected Epistemological Assumptions of Educational Research'. In R. Usher & D. Scott (eds). *Understanding Educational Research*. London: Routledge, pp. 9-32.
- Van Eemeren, F. H.; Grootendorst, R. & Kruiger, T. (1987). *Handbook of argumentation theory*. Dordrecht, Holland: Foris.
- Van Pletzen, E. (2006). A body of reading: making 'visible' the reading experiences of first-year medical students. In L. Thesen & E. van Pletzen (eds). *Academic Literacy and the Languages of Change*. London, New York: Continuum, pp. 104-129.
- Van Schalkwyk, S.; Bitzer, E. & van der Walt, C. (2009). Acquiring academic literacy: a case of first-year extended degree programme students. *Southern African Linguistics and Applied Language Studies* 27 (2):189-201.
- Walker, M. (2006). Towards a capability-based theory of social justice for education policy making. *Journal of Education Policy* 21(2):163-185.
- Weber J. (2001). A concordance- and genre-informed approach to ESP essay writing. *ELT Journal* 15 (1):14 -20.
- Weedon, C. (1987). *Feminist Practice and Poststructuralist Theory*. Cambridge, MA: Blackwell.
- Weideman, A.J. (2003). *Academic Literacy: Prepare to Learn*. Pretoria: Van Schaik.
- Wellington, J. (2010). More than a matter of cognition: an exploration of affective writing problems of post-graduate students and their possible solutions. *Teaching in Higher Education* 15 (2):135-150.

- Wierenga, B. (2002). On academic marketing knowledge and marketing knowledge that marketing managers use for decision-making. *Marketing theory* 2(4):355-362.
- Wisker, G; Robinson, G; Trafford, V; Creighton, E. & Warnes, M. (2003). Recognising and Overcoming Dissonance in Postgraduate Student Research. *Studies in Higher Education* 28 (1): 91-105.
- Yeh, S. S. (1998). Validation of a scheme for assessing argumentative writing of middle school students. *Assessing Writing* 5: 123-150.
- Yeung, L. (2007). In search of commonalities: Some linguistic and rhetorical features of business reports as a genre. *English for Specific Purposes* 26 (2): 156-179.
- Yin, R. K. (2004). *The Case Study Anthology*. California: Sage Publications Inc.
- Yin, R. K. (2009). *Case Study Research: Design and Methods*. California: Sage Publications Inc.
- Zhu, W. (2004). Writing in business courses: an analysis of assignment types, their characteristics, and required skills. *English for Specific Purposes* 23: 111-135.
- Zulu, C. (2005). Academic Reading ability of first-year students: what's high school performance or prior exposure to academic reading got to do with it? *Southern African Linguistics and Applied Language Studies* 23(1):111-123.

Institutional and governmental references

- Criminal Justice website, (2005).
- DoE (Department of Education), (2001). *National Plan for Higher Education*. Pretoria: Department of Education.
- DoE (Department of Education), (2005). *Ministerial statement on student enrolment planning*. Pretoria: Department of Education.
- Graduate School of Humanities (GHS) website, (2005).
- Law Faculty website, (2005).
- Teaching and Learning Report, (2009).

Newspaper articles

Miya, S. “Rethink law education”, Chief Justice tells UKZN. The Witness, 25 October 2010.

South African Press Association (SAPA). ‘Law graduates ‘can’t handle figures or write papers’’. The Cape Times. 4 April 2007.

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