

# Laidlaw Scholarship Academic Research Report

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Cohort: 3

Course: Law

Research area: Law & Education

## Reflection on first summer research period

Over the entire August, I have been on an exploratory journey, one that I needed to complete, reflect on, and form thoughts about, independently and in solitude. My exploration of the Threshold Concept Framework has been, drawing from Meyer & Land, “excursive” – many times, I deviated from my set research direction and took a detour to study parts of the framework that I did not plan to touch on, or study in as much detail. Each detour felt like going down a tunnel – I’m not sure if there is anything down there, but I’ll have a look. And sometimes I find something useful, sometimes I don’t. Looking back, having taken this free wander in the field of Threshold Concepts Framework, and piecing together thoughts gained from it, has been hugely beneficial to me, in that I gained perspectives, broadened my ideas, and in some cases reversed my own perceptions.

## A summary of my progress in August

First, I gained rather comprehensive knowledge of the key ideas of the framework: 5 main characteristics of a threshold concept, liminal space and disjunction, mimicry, 4 modes of variation, the framework’s edge over other theories or frameworks, and its implications for pedagogy and course design. I also learnt about some very interesting conceptual extension to the framework, such as nettlesome knowledge (knowledge that’s deemed taboo in the field), and affective dimensions of negotiating liminality.

Second, I looked into the threshold concepts research in various fields, what aspects of the framework they focused on, and their research methods. I read all the disciplinary case studies in *Threshold Concepts in Practice* and *Threshold Concepts within the Disciplines*, which are collections of articles on threshold concepts. I also did a literature review on threshold concepts research in the field of Law.

Third, I studied research methods from the reading material that my academic supervisor provided, focusing on conducting interviews.

## Changed thoughts about research direction

Now, I wish to share how my thoughts have progressed through this research period, and where I stand now. In my last meeting with my academic supervisor before the end of last term, we outlined a rough direction for my project: I will seek to identify the threshold concepts in human rights law. I started out following this direction. However, as I went on, I started rethinking about the value of merely “identifying” threshold concepts in a subject. One can identify threshold concepts in law at different levels: across the entire arena of Law, “precedents” and “statutory interpretation” might be threshold concepts; zooming in to one area of law, say, migration law, the concept “citizenship” might be the threshold concept in this context. What, then, is the purpose of identifying as many threshold concepts as possible

in one field? I came to the conclusion that the main purpose is to aid curriculum design in that field – to help pick out the “jewels of the curriculum”. But then, if I want to focus more on studying the threshold concept framework itself, rather than the specific academic field (which in my case is, Law), then, merely identifying as many threshold concepts as possible might not be so meaningful.

I categorised the 24 disciplinary case studies present in the abovementioned two books according to their research focus, and found that only 4 of the 24 focused on identifying threshold concepts in a specific field; 5 focused on improving a curriculum or pedagogy by drawing from the threshold concepts framework; and 9 worked on extending our understanding of an aspect of the framework by analysing the students’ experience in the liminal space. And it is these 9 articles that I found most interesting. After much reflection, I decided that I wish my research project to “interact” with the threshold concept framework – not just analysing Law according to the stipulation of the Threshold Concepts Framework, which is what identifying threshold concepts in Law will be doing; rather, I wish that my research results can illuminate an aspect of the Threshold Concepts Framework, be it to extend it or raise questions about it, but surely to expand our understanding of it. In the article ‘Exploring Sources of Trouble in Research Learning For Undergraduate Nurses’, it is mentioned that “the experience of liminality has been identified as an aspect of threshold concepts that is well recognised but not very well understood”. This is also my feeling after reading many research articles. So, I want to focus on the students’ experience in negotiating liminality.

### **New research direction & project proposal**

After consolidating my knowledge about the Threshold Concepts Framework, and much reflection on my own Law journey as a student, I came up with a new research direction. I want to study the experience of year 1 law students in reading law cases. Case reading is not a “concept” in itself, but it definitely has the potential to qualify as a learning threshold in year 1 undergraduate students’ studying of Law. As a law student myself, I think that case reading possesses the two important features of a threshold concept: *transformative* and *troublesome*, and I think my sentiments are shared by many in the law school. Case reading has been one of the most problematic areas to teach for year 1, so studying it in the context of threshold concepts framework can potentially be very meaningful to Law school’s teaching.

Furthermore, case reading as a learning threshold is unique in that its trouble is manifold, and that makes its liminality complex. Reading a case involves many steps. First, one needs to research the case, and this can be troublesome as the case might be obscure or the case database is hard to use; one also needs to find the case report from the right court, as many famous cases would be trialled first in the High Court and then the Appeal Court, and sometimes reach the Supreme Court, and these court can have different verdicts and reasoning. After finding the case, one then needs to be able to make sense of the background of the case, i.e. under what circumstances was the case brought to court, and this can also bring trouble as such information is not included in the case report and it’s usually hard to find a comprehensive report of it online. After all this, one then need to understand the legal reasoning of judges in coming to their verdict. This complicated process that one must undergo in reading a case requires one to acquire many different skills. Hence, I find studying the experience of Law students in negotiating this liminal space very interesting. To some

degree, I am drawing on the article 'From Playing to Understanding: the Transformative Potential of Discourse Versus Syntax in Learning to Program', in which the author found many sources of trouble for students learning "programming" (the threshold concept identified) – difficulty with the interfaces, the inherent complexity of the Physics concept behind computer science, and trouble with the programming language.

My thoughts about the next steps are as such: I will interview the law school teaching staff to confirm that "case reading" is a threshold concept in the studying of undergraduate law. I will also ask for their opinions on the sources of trouble in case reading. I will, then, based on my compiled results from these interviews, form questions and conduct interviews for students in the law school, focusing on their experience negotiating with the liminality they encountered in reading cases. I'm unsure as of yet what conclusions I'm trying to draw from the interviews with students, but I'm confident that they will be meaningful to shine a light on our understanding of how students negotiate liminality.

## **Interview design for studying the experience of reading law cases**

### **Phase 1: interview with Durham Law School teaching staff**

Notes:

- If possible, I wish to do recorded interviews.
- Both interviews with teachers and students will have two samples: staff who taught year 1 students VS staff who taught year 3 students; year 2 students VS year 3 students. I will interview both lecturers and tutors who taught first year students in the last academic year, as they will have most fresh memories of dealing with first year students' difficulties with case reading. I will also interview some teaching staff who taught third year students last year for their observation on students' progress in the mastery of case reading.
- The interviews with staff will be semi-structured and more like a reflective dialogue, so I will use my set of planned questions as a structure to guide the conversation, but will adapt and modify what I ask according to what emerges.
- Quoting Holstein and Gubrium on active interviewing: "(the active interviewer) does not tell the respondents what to say, but offers them pertinent ways of conceptualizing issues and making connections – that is, suggests possible horizons of meaning and narrative linkages that coalesce into the emerging responses." To enable conceptualisation, before each interview, I will do a concise explanation of the crucial points and terms of the threshold concept framework.

### **Phase 1 interview questions:**

1. What do you consider to be fundamental to mastering law as an undergraduate subject?
2. What do first year students find difficult to grasp in their studying of law? Do students find reading law cases troublesome?
3. In what ways are case reading troublesome for students? And to what extent?
4. What is your definition of "legal reasoning"?
5. Do students exhibit misunderstandings of the law cases they are assigned to read? If so in what ways?

6. Do students offer mimicked understandings rather than real mastery? How do you identify that?
7. Do these troubles associated with case reading tend to be resolved by the end of first year? When does mastery tend to occur?
8. Since case reading tends to be self-study, how does the law school teach it, if at all?
9. What do you think can be done to help students master case reading? What are the potential obstacles to implementing these measures?
10. Is there anything that our discussion hasn't covered that you would like to add about the issue of case reading?

After each interview, I will transcribe the results and summarise the findings in a "report and respond" structure, i.e. leaving a space after each finding. I will email the document to the interview participant and ask them to check my interpretation and add any further comment they might have in the empty space provided.

## **Phase 2: interviews with Durham Law School year 2 and year 3 students**

Notes:

- I will interview year 2 students as they have just completed first year, so they will have strong and immediate recall of the experience of handling case reading in first year. I will also interview year 3 students as they will have the benefit of a longer undergraduate experience to reflect on.
- haven't decided whether to conduct one-to-one semi-structured interviews or focus group interviews with students. I feel that with one-to-one interviews, students might feel that they are more able to freely talk about their difficulties in learning, whereas in groups they might withhold from telling some troubles they had. However, I feel that group interviews can also spark conversations where students can discuss a common feeling they have, thereby assembling further insights.
- Since Phase 2 interviews are centred around the subjective experience of how students "feel" in their troubles with case reading, the most important thing, then, is not to form the right kind of questions to elicit the right answers. *There will be an information prospecting aspect to it, but the most important thing will be to construct a reflective and analytic dialogue by creating an exploratory atmosphere, in which the interviewer and interviewee can assemble meanings together from the experience.* I will devise the Phase 2 interview questions in greater detail once I have analysed data from Phase 1 interviews, so the outlined interview questions now are just a draft and are to be used as a guide.

### **Phase 2 interview questions:**

1. Can you give me an overview of your last year as a law student? how much time did you spend on studying, and how do you feel about the various aspects of the degree?
2. How much time do you spend on reading cases per week? How do you read a case?
3. In what ways has case reading been troublesome for you, if it has?

4. What is your definition of “legal reasoning”?
5. How did you feel when you were faced with difficulties in reading cases? Did this affect your studying of law in any way? Was it short-term or long-term impact?
6. What is the usual action that you take in this circumstance?
7. What level of mastery do you consider yourself to be at now on reading cases?
8. How helpful has reading cases been to your studying of law as a subject?
9. Do you discuss with your Law friends about your methods and approaches in case reading?
10. Is there anything that our discussion hasn't covered that you would like to add about this issue or about the research project?