Engagement with legal discourse in an Australian university by international postgraduate Law students from non-common law and non-English speaking backgrounds

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CERTIFICATE OF AUTHORSHIP/ORIGINALITY

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

Signature of Student

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Abstract

This thesis investigates the production of texts for assessment by international postgraduate law students in a Law Faculty at an Australian university. It focuses on the texts four students produced for a first semester and a second semester unit of study during their two-semester LLM. Taking its cue from the literature on identity and academic writing, this study focuses in particular on the formation of the writing subject. However, its central concern is not with the contribution made by different identities writers bring to their writing, nor with the exclusionary practices of disciplinary discourses, but with the formation of the writing subject as students engage with resources they must work with and draw from. Therefore, a distinction is made between identity (the sense one has of self) and the subject (the occupation of a place from which writing is possible). Accounts of the positioning of subjects by discourses require that a discourse has stable meanings the subject recognises and in this way takes up relatively stable identity positions within it. However, a central assumption in this thesis is that international students do not read the texts representing a discourse in such predictable ways. The theoretical basis of this study is the work of Bakhtin and his concept of dialogism. However, rather than viewing dialogism as a means by which acquisition of and mastery over discourse is achieved, the emphasis in this study is on the centrifugal forces Bakhtin identifies as central to the use of language and in particular his concepts of 'addressivity' and 'responsiveness'. This places the emphasis on the relatedness that underlies utterances and communicative activity, rather than the 'sameness' of convention and meaning achieved between users that acquisition implies. The achievement of identity disguises the incompleteness of the 'subject-in-process' (Kristeva), and the argument in this thesis is that this subject-in-process is clearly at stake in the writing of international students. This study looks at the extent to and ways in which students either do attempt to preserve already given identities and 'orchestrate' the materials they work with as best they can, or subject themselves to the discourses/texts they engage with. A central argument is that the process of subjection to a discourse renders the student's sense of self vulnerable and needs to be understood in part at least in terms of the relationship the student has to the materiality of language (the signifier) and not wholly in terms of establishing appropriate meanings (signifieds). Data for this study was collected/generated in the form of: collection of

essays for the two units of study each student selected to submit to this research; interviews with students about their essay and the writing of it; journals students kept during the process of researching and writing their assignment; interviews with the lecturers who assessed the student essays.