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Arne Vines

University of Bergen, arne.vines@iuh.uib.no

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Keywords

Informal peer group learning (colloquia), Communities of practice, Learning trajectories, Undergraduate law education

Productive Horizontal Learning: A Study of Law Students' Engagement in Informal Peer Colloquia

Arne Vines Department
of Education University of
Bergen Bergen, Norway
arne.vines@iuh.uib.no

Abstract

This article presents findings from a qualitative case study of informal peer groups (colloquia) in a Law programme at a major Norwegian university. The research question focused on how students perceived and experienced participation in peer colloquia, and the learning potential of such groupings is discussed in light of the formal study programme. The data source is twofold: diaries written by 20 law students and focus group interviews. The findings are discussed from a socio-cultural theory perspective, using Lave & Wenger's concept of "legitimate peripheral participation", and the relationship between the formal and the informal learning trajectories is one of the topics raised. Although the impact of informal peer groups on students' learning outcomes cannot be measured, the findings from this study show that they play a crucial role in the total learning environment and that attendance in such groups increases over the first three years, contrary to findings in previous studies. The final discussion of what conditions foster or hinder the development of informal group learning and the implications for practice are relevant for all areas of higher education.

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Introduction

It has been argued that student peer groups are "the single most potent source of influence on growth and development during the undergraduate years" (Astin, 1993, p. 398). A number of large-scale American research studies from the nineties leave no doubt about the great impact of peer interaction, inside as well as in out-of-class settings (e.g. Kuh, Douglas, Lund, and Ramin-Gyurnek, 1994; Pascarella and Terenzini, 1991; Tinto, 1993). Nevertheless, student-initiated peer learning activities outside of the context of explicit instruction is a fairly overlooked source in educational research, in stark contrast to a vast body of literature on peer mediated learning in classrooms and other instructional settings. This deficit is reflected in contemporary learning theories, which are primarily concerned with knowledge processes within institutionalised teaching and instruction (Havnes, 2008). In view of the fact that informal peer group activities have always been common in academia and often fill a great deal of students' time, this is surprising. Some empirical research has recently emerged, however; for instance, specific pedagogical issues associated with students' academic engagement in collaborative out-of-class learning activities, including studies of learning approaches (Yan and Kember, 2004), online discussions (Krause, 2007), peer friendship and intellectual self-confidence (Antonio, 2004), and self-managed and self-regulated learning (Lizzio and Wilson, 2005; Jones, Estell, and Alexander, 2008). A common finding in these studies is that student-initiated peer learning

contributes to enhanced academic commitment, personal growth and improved learning outcomes. But knowledge about students' informal learning trajectories is still sparse.ⁱ At a time when students' learning outcomes are increasingly in focus in higher education, there is a need to understand what conditions foster informal peer learning activities and how such activities contribute to student learning.

In this article I will particularly address students' learning experiences associated with what I shall refer to as informal peer colloquia (IPC), that is, encounters of a few near-peers who gather on a voluntary basis to elaborate on subject-related matters. From the perspective of a social theory of learning (Lave and Wenger, 1991; Wenger, 1998), IPC can be viewed as communities of practice that "lie outwith the formal curriculum and complement it" (Knight, 2002, p. 275). The empirical data for this study is a set of online diaries along with the follow-up focus group discussions of 20 undergraduates at a Norwegian law faculty. What makes this site particularly interesting is that the study programme was completely redesigned in the wake of the Quality Reform of Norwegian Higher Education in 2002.ⁱⁱ While the traditional design relied on lectures, independent study and a few big exams, the new design was strongly structured around weekly written assignments, problem-based learning (PBL)-inspired work group cycles, peer and teacher feedback in a virtual learning environment, and frequent smaller exams (see Appendix). It is not obvious that informal learning groups would proliferate within such a structured system.

The students in the study reported that their working hours and disciplinary engagement had to be carefully divided between a variety of learning contexts, i.e. auditorium lectures, individual reading, mandatory group work, assignments and exam essays. Nevertheless, virtually all the student informants found a space for IPC. This indicates that IPC were experienced by the law students as a significant learning arena. A core question is what characterises IPC and how it connects with the formal teaching and learning environment. In this study I have investigated IPC from a student perspective. In line with Becker, Geer, and Hughes (1968) I believe it is imperative for educational researchers and practitioners to learn more about "what they [students] do, how they feel about it, what they think they are doing and why" (p. 2).

Research Questions

This study aims at deepening our understanding of what conditions foster IPC, how they affect students' broader educational experiences and how they connect with the formal learning environment. The overarching research question was: What were productive learning aspects in the law students' informal colloquia activities and why? The more specific questions include:

- What influenced the formation of IPC?
- What were the students' own perspectives on their participation and learning?
- What was the relationship between IPC and institutional work groups?

The article proceeds in four main sections. First I present a theoretical framework in which students' participation in informal academic learning activities is viewed from a sociocultural perspective. Details about the procedures used for data collection and analysis are described in the second section. It is important to note that my research design is not capable of establishing or verifying data that shows the link between IPC participation and success within the course (grades, objective indicators of mastery of course material). As

the research questions imply, my aim was to provide in-depth insights that could facilitate a better understanding of the experiences and conditions of students' learning engagement in IPC. In the third section I present the research findings, which are subsequently discussed in the light of the core theoretical concepts and previous research. The fourth and final section draws together conclusions and possible implications for educational practice that may be relevant for all areas of higher education.

A Sociocultural Approach to Understanding Peer Interaction

Productive student learning is not exclusively preconditioned or confined by formalised teaching activities. Rather, it can be understood as aspects of changing participation and ongoing interaction in the sociocultural practices of everyday life (Lave, 1996; Lave and Wenger, 1991; Wenger, 1998). Seen from a sociocultural perspective, it is essential to consider informal peer learning activities as an integral part of the larger learning environment. As expressed by the Vygotskian scholar Minick: "the links between dyadic or small group interactions and the broader socio-cultural system must be recognised and explored", since "actions are at one and the same time components of the life of the individual and the system" (Minick, 1985, p. 257). This assertion fits well with Wenger's (1998) conceptualisation of communities of practice, where the analytic focus is on participatory experiences within historical and social contexts. From a social learning perspective we also need to "move the focus of analysis away from teaching and onto the intricate structuring of a community's learning resources" (Lave and Wenger, 1991, p. 94).ⁱⁱⁱ Taken together, these theoretical arguments have great relevance for understanding the role of horizontal peer learning in communities of higher education.

Learning as Participation in Sociocultural Practices: Lave and Wenger

According to Wenger (1998), joint enterprise, mutual engagement and the development of a shared repertoire are characteristic traits of a community of practice. A sense of belonging to such a community underpins the nature and quality of learners' lived experiences through ever-changing circumstances. Wenger's dynamic notion of trajectories as participation in joint, complex social landscapes points towards learning as fundamentally integral to learners' activities, cognition and identity development. An important feature of trajectories in learning is that they are always potentially open to widening and closure, depending on the individuals acting and the institutional norms within the particular social practice in question (Dreier, 1999). Although trajectories exist as open possibilities for changed participation, some form(s) of participation are more likely to be followed within a particular context. This is what Wenger (1998) refers to as "paradigmatic trajectories", which he considers to be the most influential factor shaping the learning of newcomers once they have access to the practice (p. 156). While the paradigmatic trajectory of the traditional study programme in law was based on listening to lectures and reading alone, in the redesigned programme it was a complex web of individual and social learning activities. In a law school environment where undergraduates are rarely in direct contact with academic staff, it is obvious that horizontal, peer-mediated learning may play an extensive role in the pursuit of academic achievement.^{iv}

Trajectories of Peripheral Participation

Central in Lave and Wenger's (1991) situated theory of learning as participation is the concept of "legitimate peripheral participation", through which newcomers gradually become familiar with the norms, routines, knowledge bases, ideals and discourses of the professional community to which they aspire to belong. This mission demands the learner's

involvement as a whole person, not only intellectually but also socially and emotionally (Roth, 2008; Vygotsky, 1986; Williams, 2007). Legitimate peripheral participation is, moreover, a positive term in the sense that it designates a chance for both the learning community and for the newcomers to transform and expand in productive ways. I will claim that such transformative practices are not solely linked to interactions between teacher experts and student novices. Within the theoretical framework of Lave and Wenger (1991), horizontal peer learning holds a critically important function, as the authors suggest that “apprentices learn mostly in relation with other apprentices” (p. 93). Bruffee (1999) emphasises the same idea and underlines the educational value of students speaking and listening to each other: “[C]onversation with people we regard as our peers – our equals, members of our own community – is almost always the most productive kind of conversation” (p. 59). Although it is not common to view university students as apprentices, I will argue that their learning is strongly dependent on processes of and access to various forms of peripheral participation.

Research Methodology

The research focus of the case study is the students’ perceptions and experiences with informal peer colloquia. The research questions as well as the theoretical perspective adopted call for a qualitative approach which aims at revealing the way the undergraduate law students construct their learning.

Participants and Data Collection

The empirical data material was gathered from two major sources. First, a randomised cohort of undergraduates was invited via e-mail to participate in an online diary project.^v The response rate was high, and twenty students aged 20–25, were picked out; they were evenly distributed with regard to gender and years of training (between half and two and a half years). With the aim of getting in-depth information on students’ everyday learning experiences, each participant was asked to write a personal learning diary during five separate weeks in the spring semester of 2006. The diary writers were encouraged to write whatever came to their minds about their student life on and outside campus. In order help the participants on their way they were equipped with a short writing guide that urged them to describe what they prioritised in their academic work and whom they spent time and worked with.

Second, three joint focus group sessions were arranged shortly after the first, third and fourth writing periods to facilitate follow-up discussions on certain topics identified in the diary contents. The participants were generally keen to discuss and elaborate on the preliminary findings and analyses presented by the researchers, as well as on issues that spontaneously came up during the sessions. The focus groups allowed the participants to listen to others’ verbalised experiences which, in turn, led to a “chaining” or “cascading” effect that stimulated memories, ideas and experiences in fellow participants (Lindlof and Taylor, 2002). The researchers’ role was to moderate the discussion and encourage a variety of different viewpoints on each topic (Kvale and Brinkman, 2008). Each encounter lasted for about two hours and was audiotaped and transcribed before analysis.

Validation and Data Analysis

Based on the main thematic headings that had been identified from the diary writings, a set of questions were developed for the focus group interview. The focus group dialogue helped validate the interpretation of the diaries and produced valuable information on ideas,

perspectives and topics that otherwise would have been out of reach for the researchers. It should be noted that in advance of the diary project the author had conducted a larger ethnographic process of fieldwork to map out diverse aspects of the institutional learning design at the Faculty of Law, resulting in two separate articles (Vines, 2009; Vines and Dysthe, 2009). This work has informed the analysis of the present study.

Nvivo 2.0, a specialised software programme for qualitative data analysis, was used to support data filing, coding and analysis of the complete collection of student diaries and focus group transcriptions. I also kept a research journal to facilitate the development of ideas, reflections, and tentative interpretations throughout the study. The analysis included a partially recursive five-step process, particularly informed by principles and procedures described in Brewer (2000), Hatch (2002), and Merriam (1998).

1. Reading the entire data material to gain familiarity with the content.
2. Identifying salient themes (statements of meaning running through all or most of the pertinent data), assign them a code or index, and put others aside.
3. Performing a content analysis of the prominence of key words or expressions that corresponded with emerging categories or themes. The detailed statistics of the diary texts showed that references to IPC were more frequently mentioned than any other learning arenas and thus indicated an important dimension.
4. Conducting an open coding process to identifying recurrent patterns, relationships, and possible contradictions within the scope of the research participants' writings and comments on IPC.
5. Through careful re-reading of the data and coding places where my interpretations were supported or challenged, a set of exhaustive and mutually exclusive categories or findings emerged.
6. Selection of excerpts/quotations that supported the findings, and which also could "take readers inside the contexts and allow them to hear the voices of the participants" (Hatch, 2002, p. 159).

Beyond this, my aim was to provide the reader with rich, thick descriptions and interpretations that could furnish theoretical inferences and, moreover, allow for possible recognition and consideration whether the findings can be transferred.

Contextualisation of the Study Design

The current study model at the law faculty was introduced in a period of major change in the Norwegian higher education system, as a result of a rapid adaptation to the Bologna declaration. The Faculty of Law used this as an opportunity to revise the entire study structure and the overall pedagogical design. Before the restructuring, teaching was primarily lecture-based and students relied heavily on rote learning in order to reproduce the course literature at big high-stakes exams at the end of the academic year. In this article I will just sketch some of the most important changes. The new curriculum is based on an "overall umbrella" of PBL, and presupposes a social constructivist view of learning. The programme organises mandatory work groups for the solution of teacher-assigned problem tasks. Each workgroup consists of ten undergraduates and a trained teaching assistant (senior student) and meets on a weekly basis. These groups continue in year 3

without the assistant. Moreover, emphasis is placed on alignment between the legal problems and the learning material, a firm structure for learning, required writing, the use of information and communication technology (ICT) and regular feedback on written assignments. There is great emphasis on developing problem formulations that satisfy the intention of the problem-oriented learning approach. The entire study programme is modularised with a tight progression between courses (most courses are 10 or 15 credits), and often with no more than 6-8 weeks between final course exams. Overall, the current programme differs from the former in that it provides better guidance for all students, more student-active learning methods, regular feedback, more varied forms of evaluation, and less use of big exams (see Appendix 1 for illustration, and Vines and Dysthe (2009) for a detailed description). The strict study cycle that every student has to follow has radically reduced the risk of failure and ensured student progression and better exam results. Nevertheless, there has been considerable debate about whether the strict structuring compromises students' "academic freedom" to study in a more independent manner and if it actually assists mediocre law candidates.

Findings

The first finding relates to the widespread use of informal peer colloquia, which makes it relevant to refer to this as "the second learning trajectory". According to annual student surveys, approximately six out of ten freshmen state that they are members of at least one informal colloquium and the number has been rising. Although IPC have "always" existed in various forms in the Faculty of Law, the students' strong recognition of two parallel trajectories of learning, formal and an informal, came as a surprise. Some of the experienced staff provided further anecdotal evidence that IPC have changed in character during the last decade, from having a reputation of being primarily a learning arena for high-achieving students to one that is used by students in general. This assumption is backed-up by the fact that IPC were frequently mentioned and described in virtually all student diaries. They were also referred to in almost exclusively positive terms, more so than lectures and obligatory work-groups. The second cluster of findings shows how and why IPC are being formed. I will then present and analyse different learning aspects of IPC based on participants' reflections and writings. This is partly done by showing how IPC contrast with student experiences from mandatory group participation. Finally, I identify and discuss the distribution and use of institutional learning resources that directly and indirectly contribute to supporting informal colloquia engagement. Direct quotations from the data are used to illustrate each theme and to add voice to the text. I make comparisons with other studies in order to interpret and highlight the main findings.

Colloquia Group Formation

Peer students are major agents of socialisation (Pascarella and Terenzini, 1991) and the choice of friends is important (Kuh, 2003). According to the participants in this study, colloquia groups could evolve from social configurations such as housemates and friendship established prior to law school. More often the private groupings grew out of work groups organised up by the law faculty. A student in her second year described the entry into her first colloquia group as a fairly straightforward process: "In the first year we were placed together in a work group, and then the tone was set. Shortly after, we formed our own colloquium. Initially we were not friends, but we are friends now, of course." Other students remembered it being a more complicated process to form or join informal colloquia, partly because of a felt pressure to perform also in the informal academic arena. A third year

student told how the expectations of the peer culture affected her early days as an ambitious newcomer with no colloquia membership:

I felt I missed something in the beginning when I had no colloquium group. Professional success gives a very high status at law, I will dare to argue, and I knew it's common for colloquia to improve outcomes. [Belonging to a colloquium] also shows that you are committed and that you are eager to find answers to problems you are working with, I think.

Typically, many students remembered that they were urgently advised by seasoned students to join or create colloquia groups. In the words of a female third year student: "It has always been customary for law students to attend colloquia. I remember that I was told by the older students when I started that: be sure to find a study group at the beginning and join it!" Thinking back on her early days as a newcomer, one student felt she would lose out on an exclusive learning opportunity if not engaging in what she first perceived as the "secret life of student colloquia": "Remember I felt I missed something very big before I got into a colloquium. I thought there were some major technical secrets that I never would get hold of." It appears from the diary of a first-semester student that the peer colloquium was an alternative to solo reading and memorisation that hardly could be ignored.

Perhaps it is not ideal to prepare for the examination in the manner I have chosen – namely, to read alone. I see that there are many who join colloquia groups to review the topics they find most problematic. In the next course I'll try to ally myself with some fellow students so that we can try to prepare for the exam in this way.

The above quotations are suggestive of a paradigmatic trajectory (Wenger, 1998), continually maintained by an incorporated practice and a cultural notion that informal peer learning is a good way to succeed in the study of law. When undergraduates entered into this kind of practice they did not do it solely as a consequence of a rational consideration, but in part because they were affected by a "semi-conscious" grasp of the dominant values and belief structures held by other students (Terenzini and Reason, 2005). In particular, more advanced students held a central role as cultural intermediaries and premise-providers for freshman students' formation of expectations.

I remembered the first colloquium I attended and how we all felt confused: What should we actually do? It was okay to sit down there, but what should we actually do? Then we got some tips and hints from other study groups or more advanced students.

The importance of more experienced peers is highlighted in Wenger's theory of community of practice (1998), as they are "not merely a source of information [...] they also represent the history of the practice as a way of life. They are living testimonies to what is possible, expected, desirable" (p. 156). Importantly, newcomers were offered opportunities to bond and meet prospective colloquia partners through mandatory membership in work-groups, established right from the start in the first semester. Several of the second and third year students said that they still worked in colloquia with the same peers whom they met through formal work groups in their first semester. About one third of the student body in informal colloquia groups reported that they joined with someone from their own work group (Wilhelmsen, 2006). All this indicates a positive but unintended rub-off effect of the faculty-wide organising of mandatory workgroups.

Students' Preference for Small-group Learning

Participants in the study thought that the limited group size of the IPC (two—five members) had a positive influence on the professional discussions because it permitted all members to have a say and made them more focused and effective. The following quotation from a female sophomore was typical in expressing a great belief in the efficiency of self-initiated small group interaction:

In colloquia groups you choose whom you want to work with. These are often people who share your professional attitudes and who you get on well with. In my colloquia we are only three persons, which is more effective than the mandatory work groups where we are ten randomly chosen students.

Clearly, small group colloquia discussion was generally experienced as fostering in-depth knowledge and understanding: "It's incredibly difficult to deal with anything in depth when we are ten persons and everyone is going to say something on a particular issue. In colloquia groups you have the possibility to dig much deeper into detailed questions than in the work groups."

Many of the participants said that they favoured the more intimate social learning climate in IPC because it produced somewhat different qualities compared to the larger group constellations designated by the faculty administration. The law students' experiences seem to confirm Johnson and Johnson (2002)'s account of the advantages of a small group in a face-to-face setting: accountability to peers, ability to influence each other's reasoning and conclusions, social modelling, social support, interpersonal rewards and personal as well as a professional relationships (p. 97).

Integration of Social and Disciplinary Aspects of Student Life

A clear finding that emerged from the student diaries was the intertwining of social and disciplinary relationships and the importance of this for learning. For instance, a female sophomore wrote the following about her close working partnership with a colloquium partner and friend:

My colloquium partner proved to have understood a lot more than me [...]. Normally I would have been a little demotivated by seeing how little I knew, but he's a good friend and very encouraging, and we have an informal tone about the academic. That I think is very motivating.

An excerpt from the diary of another first year student is further evidence of the social nature of colloquia learning and also shows how the relationship-building expands beyond face-to-face meetings:

Had ongoing dialogue with a friend who is also in my colloquium group, via telephone, SMS and mail in particular. Also had telephone contact with two others from the colloquia group. Mails were just sent back and forth with excerpts from each other's assignments, and we gave each other comments and suggestions. It gave a greater confidence in working more closely when the uncertainty about how to solve this part of the task was so large.

These two quotations point to an often overlooked dimension of peer collaboration: the importance of knowing your learning partners well enough to develop trust and interdependence. Moreover, the diaries reveal patterns of frequent use of communication

technology, and this obviously contributed to a close relationship. Technology is today a cohesive factor in developing students' mutual engagement and a sense of belonging to a learning community.

Coping with Academic Boredom

Yet another positive aspect of the safe colloquia environment had to do with opportunities to vent frustrations and bring in mutual hope and enthusiasm when conflicting emotions occurred. The diary texts contain numerous descriptions of boredom, tiredness and even despair triggered by routine work, high demands and lack of time to get things done. Perhaps the most frequent challenge, mentioned in almost every diary, was the unpleasant feeling of monotony embedded in the daily study routines. A third year student wrote about a meeting with one of her colloquium partners:

We remained seated and talked a lot of how unmotivated we are and that we didn't pull ourselves together, even though our exam is on Thursday. I told her how bored I am by the Law building, the reading room and that all days feel identical. I've been doing the same in more than two and a half years, and the powder has burned out. She feels exactly the same way, and we talked a bit about it, but we didn't reach any solution. However, to know that I'm not alone feeling this way makes me feel so much better.

Research on student motivation has revealed that negative deactivating emotions, such as boredom and hopelessness, can be a serious barrier leading to a decline in study interest and effort (Pekrun, Goetz, Titz, and Perry, 2002). As shown in other university settings (e.g. Boud and Lee, 2005; Dysthe, Samara, and Westrheim, 2006; Lee and Boud, 2003), peer groupings can have a therapeutic function and offer a space for de-privatising emotions, whether rooted in enjoyment or misery. Christie, Tett, Cree, Hounsell, and McCune (2008) describe newcomers' enculturation into the practices and culture of the university community as "a rollercoaster" of emotional processes, changing from emotions of alienation and exclusion to excitement and exhilaration. Their description corresponds well with much of the content of the law students' diaries. In light of the frequency of high-stakes exams in this type of professional programme, this was not an unexpected discovery.

A Safe Space for Discussions to Unfold

Experiences of extensive legal discussions were repeatedly mentioned in the diaries. In a focus group meeting a second year student made clear that "We dare to discuss much more in the colloquium group [than in the PBL group] and can say exactly what we think". The safe colloquia atmosphere was also repeatedly presented in the diaries as learning-productive.

I met my colloquium group and two other fellow students at 9 at the school [...]. We discussed lively and eagerly to 12.30, until all felt that they had understood what it was all about. We had some great discussions, and I think I have a clearer picture of how my exam paper will look after this meeting. It is very productive to discuss with fellow students, we are so close in our group that we dare to ask about anything.

While peer colloquia provide a safe learning environment in which "heated" discussions and disagreement are both welcomed and desired, some students reported that they never or seldom reached this "stage" in formal work group settings. As documented in a previous article (Vines and Dysthe, 2009), many students at the law faculty were very careful not to

ask “stupid questions” in front of authorities such as teachers and teaching assistants. Similar experiences were frequently mentioned during the focus group interviews, with great emotional intensity. By contrast IPC were felt to be like a safe haven where the individual participant did not have to fear any intimidating reactions if she was off the mark. The following quotation from a second year student illustrates this: “And it’s perfectly fine to raise silly questions to people whom you know. You can ask them about everything. In [PBL] work groups it’s not that easy to ask about something that everybody may know.”

These quotations indicate a tight, well-functioning community of practice in which members have learnt to trust and exploit each other’s competencies through a time-consuming process of mutual engagement and the development of a shared repertoire (Wenger, 1998). Moreover, the law students’ discourse about IPC was characterised by a deep sense of ownership of the learning process. Essentially, students seemed to recognise and exploit their own shortcomings and uncertainty as raw material for a more personally motivated inquiry. These findings are consistent with the reported effects of Krause’s (2007) study of undergraduates’ out-of-class peer experiences at a large Australian public university.

A frequently mentioned advantage of IPC was that it nurtured academic curiosity and an unadulterated wish to learn. One of the third year students found his colloquium group to be a valuable forum for joint explorations because “You can focus on whatever topics you want, not restricted by some assignment.” This statement was followed up by a second year student, who claimed that: “At the colloquia we can deal with the syllabus in different ways than just to solve assigned cases. Sometimes there are special topics you want to explore and view from different angles.”

Conflicting Trajectories?

So far all the examples from student diaries have shown that the informal peer colloquia function as a complementary arena to the formal learning arena. However, many students felt under severe cross-pressure because of the comprehensive obligatory requirements. For instance, one second year student saw this as a major obstacle to organising colloquia on a regular basis, and not just before exams: “You must somehow get through the book, you have lecture series, and you have groups and group projects and stuff, all the time. Only a week or two before the exam do you have time to sit down with your colloquium group.” This quotation points to an important issue in education, namely whether students have the time to think and immerse themselves in topics they find interesting to explore. According to Karjalainen, Alha, and Jutila (2008), student experiences of overload may lead them to use superficial reproducing strategies and rote learning. Students tended to consider the two trajectories as conflicting because the total workload of mandatory learning activities can discourage students from attending colloquia on a regular basis and not only just before exams.

Increasing Colloquia Engagement

An important finding was that second and third year students found that the informal peer colloquia became a more significant learning arena as they progressed to a more advanced level. A new report about the study environment at this law faculty shows that 75 pct of first year students, 77 pct of second year students and 85 pct of students in their third year attend IPC (Wilhelmsen, 2009). This finding contradicts what Evensen, Rzasa, and Zappe (2004; see also Evensen 2004) found in their survey of first year students’ practices in 27 American law schools. Their study revealed a severe decline in voluntarily group participation amongst undergraduates due to repeated negative experiences of collaborative work, and a resulting raise in negative attitudes towards group work. While these students were driven away from collaborative learning activities towards individualised study

behaviour, the law students in my study had learnt to value collaborative efforts in the institutional trajectory, and this has a positive effect on the IPC. This finding makes it necessary to discuss in more detail how the connection between the two trajectories is made.

Institutional Provision of Learning Resources – a Key to Success?

Many practical IPC activities were inherently dependent upon a variety of available learning resources which, to a great extent, were created and provided by the academic staff. For example, it was quite common for students at all levels to use previous exam papers as a basis of discussion, but, in addition, problems given in the form of regular assignments, course literature, exemplary student papers and guidelines for the marking of exam papers functioned as mediating means for colloquia discussions. Due to communication technology, these resources were easily accessible. Some students related that they also used IPC in order to debrief after lectures and seminars: “What actually happened in the lecture today? What did we go through? And then puzzle together what really happened there” (second year student). The data material displays a quite complex relationship between the two trajectories in terms of institutional provision of learning resources. Here I will mention three factors that directly influenced colloquia learning. First, students’ growth in disciplinary knowledge leads to greater benefits from participating in IPC. Second, the role of high-quality tasks and problems was mentioned as forming a major contribution to meaningful joint discussions. As shown in other studies (e.g. Jacobs, Dolmans, Wolfhagen, and Scherpbier, 2003; Jonassen and Hung, 2008), the formulation of tasks is particularly important in determining the quality of student learning in PBL. The third factor refers to the experience of the learning effect. If the learner does experience any effect on learning outcomes, they will not continue to spend their time and effort on any kind of group learning activities. Students quickly find out what works or does not. All three factors make a big difference in terms of students’ motivation to participate in IPC. Informal peer-mediated learning is thus vitally dependent on learning resources provided by the learning institution. In the words of Havnes (2008): “curricular learning can be the thread that keeps the [colloquia] group intact and the process moving” (p. 198).

Discussion

In the following discussion I will first consider the findings in light of the concepts of communities of practice and legitimate peripheral participation, as outlined in the theory section. I will then look at the findings in relation to the debate about European higher education after Bologna, focusing on the question of whether strictly structured study programmes represent a danger to informal peer learning arenas. Finally, I suggest a number of implications for practice.

Learning Law in Communities of Practice through Legitimate Peripheral Participation

The analysis of the students’ diaries has shown that the IPC have some vital characteristics of communities of practice as outlined by Wenger (1998). It can be debated to what extent students have a joint enterprise, but what brings them together in the first place is the need to master the disciplinary curriculum in law and pass the exams. This is also what initially creates a shared engagement, but as they continue meeting, their engagement comprises a much larger scope of issues than those that are directly relevant to writing the assignments and passing the exams. As we have seen, the IPC facilitate the inclusion of the private sphere of emotions and concerns that tie together all aspects of being a student. The IPC seem to utilise the rules and repertoires for group work that have been practiced in the

institutional groups, but participants have the freedom to ignore them. Thus it seems that the repertoires are only invoked when they are needed to get some work done, for instance before tests and exams. We should not underestimate, however, the importance of such repertoires also in informal contexts. As argued by O'Donnell and Tobbell (2007), success in an education system can be thought of as full participation, which presupposes that students become progressively enabled to actively immerse themselves in the activities and social participation that are valued in the academic community.

The findings from this study show that IPC are a constituent part of the student learning culture at the Faculty of Law, as manifested in a complex web of productive, self-organised sub-communities within the broader learning institution. Two important features of such groupings are that they extend beyond the specific objectives laid down in the formal institution's standards and requirements, and thus the control of the learning experience is "primarily in the hands of the learner" (Marsick and Watkins, 1990, p. 12). Given these premises, IPC affords a communicative space in which students have rich opportunities to develop a sense of autonomy and ownership of learning experiences, unrestricted by teacher domination and outside the reach of the assessment regime.

The overall findings indicate that through active participation in IPC, students move towards a more intensive and educationally rewarding form of participation and specialised discourse, which is essential for future professional work as competent practitioners in the field of law. An important part of this is connected to the creative aspect of experiencing IPC as a safe space for the exercise of considerable conflict and disagreement, which in turn fosters more diverse solutions.

Does Strict Structuring of Study Designs Affect Students' Informal Learning Activities?

The law students' interest in exploring the curriculum outside its formalised manifestation through IPC involvement can be viewed as a catalyst for experimentation and sustained motivation to learn. Interestingly, this happens in a study programme that is very strictly structured and that makes high demands on students' time. It is therefore worthwhile to discuss the findings in light of the influence of Bologna on higher education in Europe. Criticism of what has been called the "schoolification" of higher education has for instance been voiced in a recent evaluation of the Bologna-inspired quality reform in Norway. The evaluation suggests that students tend not to engage with tasks that are not perceived as part of the curriculum. Hence, one unintended effect of more organised learning activities is the marginalisation of non-compulsory study activities (Michelsen and Aamodt, 2006). The present study shows that this need not be the case; on the contrary, the findings show that IPC activities proliferate. Moreover, this study has demonstrated that IPC do not exist independently of the formal teaching and learning environment. On the contrary, students' experiences with the mandatory peer learning system, even though over-structured, lie at the bottom of the popularity of IPC.

A question of general pedagogical interest and one that is not easily solved is: *What should be the role of the formal institution regarding informal horizontal learning?* One position is to affirm that it is the teachers' and the educational institution's responsibility to tie together the contact teaching hours and independent study time (Karjalainen, Alha, and Jutila, 2008). Even though this sounds like a good approach, it does not take students' need for independence and peer discourse into full account. There is a risk that attempts to manage students' informal academic work could result in increased managerial control and thus narrow the students' space for reflection and exploratory learning. This concern is

demonstrated by Reichert and Tauch (2005)'s report on the implementation of the Bologna process in European Universities. They conclude that: "efficiency, time management and completion in due time are now playing a greater role than before, while academic curiosity and intellectual development have become less important" (p. 47). On the other hand, to ignore the communities of IPC could mean that the institution unconsciously represses them and does not take advantage of the great learning potential of IPC. To advise students to get involved in out-of-class colloquia groups gives them, perhaps, legitimacy. A way to give this informal learning arena legitimacy without colonising it would be to call students' attention to others' positive experiences in earlier years and to advise them to get involved.

Based on the findings from this study I will suggest five implications for practice. As an introduction I will quote what a second year law student said when confronted with the question: "Is there anything the faculty could do to streamline your academic work through the colloquia group?"

I think it may be harmful if the faculty mixes too much, because it is precisely the informal character that is the advantage of colloquium groups. If you get too organised and get too many hints and tips, people would take too much notice of it. I think part of the charm and what makes learning healthy – and promotes learning outcome – is that you can find solutions yourself and by discussing with other students.

Critical Factors and Implication for Practice

1. *Develop a culture in the study programme that is conducive to fostering students' own academic initiatives and disciplinary curiosity.* This includes valuing students' participation at all levels, by taking their points of view seriously and thus showing that it is worthwhile to listen to and trust peers, not just the teacher. Central aspects of such a culture are that it is safe to admit ignorance, to disagree and to make mistakes. Be aware of the strong role model effect of teachers in academic debates in and out of class. Encourage students to establish a space on their own for exploration of what they are uncertain about, excited about or disagree on. The importance of out-of-class experiences should be addressed explicitly in the institution's mission statement (McKinney, 1998).
2. *Make peer group learning an integral part of the study design.* Providing students with the opportunities of experiencing peer group activities over extended periods of time gives them first-hand knowledge of what is needed to make such groups work.
3. *Equip students with appropriate "tools".* This may include instructions and workshops in group skills and how to encourage critical debate, but this study gives particular evidence of how students appropriate and adapt the tools they use regularly in the formal study programme.
4. *Invest time and effort in producing high quality tasks and assignments* that stimulate collaborative efforts, problem-solving and exploration within and beyond what is explicitly taught. Preferably such assignments should be challenging and provoke different views and designed so that they are actually too complicated for any one person to answer effectively.

5. *Don't interfere with or colonise students' informal learning activities*, but create frameworks for setting up and organising informal groups if students ask for it.

Concluding Remarks

In order to foster educational engagement in students, universities need to understand the specific needs of their learners and develop appropriate courses of action (Pitkethly and Prosser, 2001). In this article I have demonstrated and discussed some conditions that may foster or hinder student-initiated out-of-class learning. The findings from this study imply that the educational institution, by virtue of its power to define and provide learning resources, plays a crucial role for students' engagement in and ability to form self-initiated peer colloquia. I have shown that IPC is a forum where students can invest in learning as whole persons, intellectually, socially and emotionally. A core finding from this study is that the colloquia groups formed in the first year remain fairly stable throughout the undergraduate study. This indicates that the study network established in the institutional trajectory during the first year has great significance for students' trajectories through their studies. A general lesson to be learnt from this study is that a combination of different modes of participation enables students and hence creates a richer context for learning. The findings also imply that students' socio-academic needs and learning potential cannot be adequately responded to without the interplay between formalised instruction and informal, horizontal peer learning. It is particularly important to be aware of and promote horizontal learning at a time when modularisation, curricular standardisation and accountability pressure are becoming increasingly prevalent in higher education. This argument corresponds well with my overall impression that participation in IPC gradually causes change in the law students' identities, from passive recipients of traditional knowledge to active knowledge seekers.

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Appendix

The formal study structure at the Faculty of Law is illustrated in the following figure:

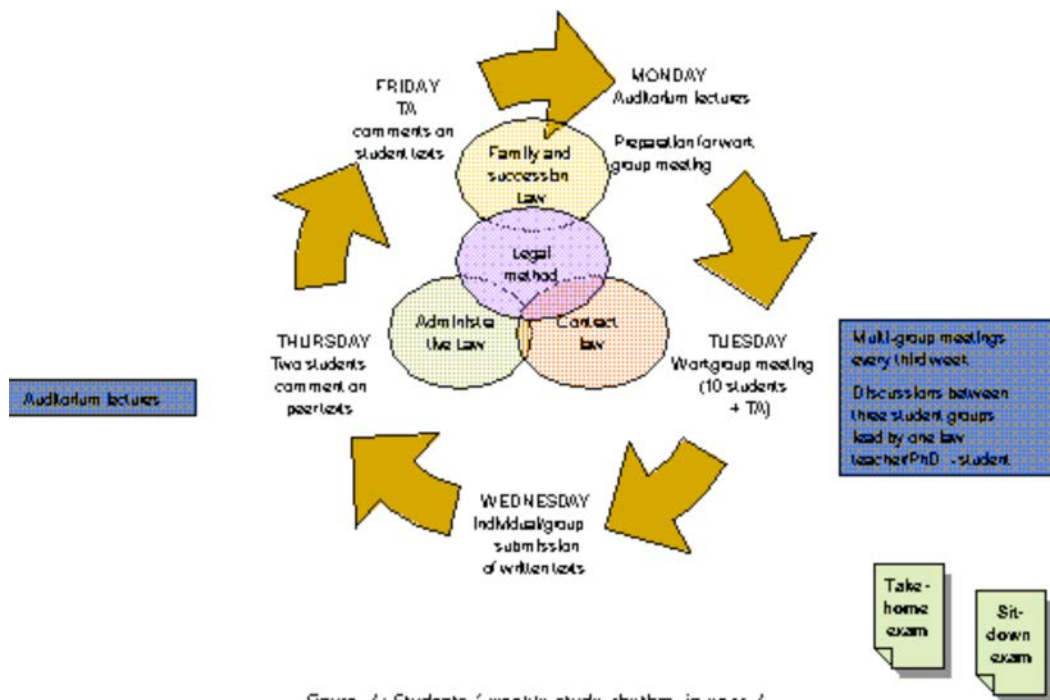


Figure 1: Students' weekly study rhythm in year 1

This illustration is based on the first year programme, but year 2 and 3 are fairly similar (except for the courses offered). Normally, students attend one or two auditorium lectures per week. In between lectures, students prepare for prescribed group work (two hours per week). Shortly afterwards, the participants write drafts, individually or in groups of two or three, and submit these into a virtual learning environment (VLE) for peer feedback and control. In addition, triple-group meetings, led by a professional law teacher or a PhD student, take place every second or third week and focus on similar assignments. Instead of one major exam at the end of the academic year, each course module has a two-tier exam: 1) a take-home exam (5-7 days), where students are allowed to collaborate with peers, but hand in papers individually. Besides assessing the papers as pass/fail and ranking them in a high, middle or low category, the assessor writes comments in the margins of each paper. 2) A traditional sit-down exam two or three weeks later, which is graded (ABCDEF). The home exam gives students an overview of the course content and makes them better prepared for the final high stakes exam. In order to register for the final exams, the student must have attended a minimum of 75% of the small group meetings and also passed the take-home exam. Overall, this repetitive learning cycle disciplines the students to work steadily and with an interactional focus from the very beginning.

ⁱ In this article I use the terms informal and formal to distinguish between two different social structures of peer mediated learning. The main difference between the trajectories of informal peer colloquia (see below) and formal curricular instruction is that the former is based on self-governing and operates without the presence of a designated teacher or teaching assistant. In principle, “formal” and “informal” are not discrete categories. It is more precise to conceive “formality” and “informality” as attributes present in all circumstances of learning. Thus the main concern for research should be “to identify these attributes, explore their relationships, and identify their effects on learners, teachers and the learning environment” (Colley, Hodkinson, and Malcom, 2003). From the perspective of a community of practice, mutual peer engagement evolves in organic ways that tend to escape formal descriptions and control (Wenger, 1999, p. 118).

ⁱⁱ This reform was a direct follow-up of the Bologna Declaration (European Higher Education Area, 1999, see <http://ec.europa.eu/education/policies/educ/bologna/bologna.pdf>). Norway, although not a member of the EU, has been in the forefront of implementing the Bologna principles. The Quality Reform, introduced in 2002, represented an attempt to achieve a higher degree of efficiency through stronger leadership, improved pedagogy and increased internationalisation and quality assurance (<http://nokut.no>). In 2004 the Faculty of Law was awarded a prestigious national prize for outstanding work for educational quality in higher education by the Norwegian Agency for Quality Assurance in Education.

ⁱⁱⁱ It should be noted that in Wenger’s (1998) theorising about communities of practice, the horizontal aspects of learning and knowing are far more outlined and should be perceived as a cornerstone of knowledge processes and meaning production in general.

^{iv} At this law faculty the number of students per staff member is very high. In 2006 the ratio was 34:1. By comparison, the average ratio for all Norwegian universities was close to 9:1. Source: Norwegian Social Science Data Services (<http://www.nsd.uib.no/nsd/english/index.html>).

^v The diary project was initiated by the author and a senior pedagogical advisor at the law faculty.