

TOWARDS GROWTH AND SUSTAINABILITY: THE INSTITUTIONAL AND DISCIPLINARY DYNAMICS OF POSTGRADUATE LAW RESEARCH GROUPS

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I INTRODUCTION

Increasingly, attention in Australia is focusing on the role of postgraduate student research groups in higher degree research (HDR) student learning and experience.¹ The current research project was aimed broadly at the evaluation of HDR groups, and was directed towards informing development of an interdisciplinary group around criminology, criminal law and criminal justice (the Crim* Network: <http://crimstarnetwork.com/>) based within the Law Faculty at the University of Sydney. Specifically, it sought to ensure the Network developed within a pedagogically-informed structure, and was sustainable in the long-term with potency for growth and outreach beyond the host faculty and institution.²

In an earlier publication, we identified six possible pedagogical bases for HDR groups, which may be writing groups, reading

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¹ Nell Buissink-Smith, Simon Hart and Jacques van der Meer, “‘There are Other People Out There!’ Successful Postgraduate Peer Groups and Research Communities at a New Zealand University” (2013) 32(5) *Higher Education Research and Development* 695; Elke Stracke, ‘Undertaking the Journey Together: Peer Learning for a Successful and Enjoyable PhD Experience’ (2010) 7(1) *Journal of University Teaching and Learning Practice* 1.

² Linda Steele, Rita Shackel and Felicity Bell, ‘The Importance of the Local in a Global Age: Analysis of Networking Strategies in Postgraduate Law Research Learning’ (2012) 5(1&2) *Journal of the Australasian Law Teachers Association* 1.

groups, discussion groups, seminar series or social groups.³ To further inform development of the Network, we administered an online survey to members of HDR groups, relating the goals and format of these groups to these pedagogical considerations.⁴ Our research revealed that HDR groups are very diverse: they may be online or face-to-face, be student-only or academic-led, meet frequently or seldom, and be institutionalised, informal, or even ad hoc.⁵ The formation of HDR groups may be motivated by specific learning objectives set by academics, or derived from the interaction of students in various other spaces, such as at conferences, through faculty based committees or at social events. A subsequent paper examined in more detail the formation of HDR groups, particularly the unmet needs or student desires motivating group formation, and the ideal structure, design and goals of groups.⁶

In the current article, we examine two related issues regarding development and sustainability of law HDR groups. We are mindful that HDR groups originate and develop in very specific institutional, disciplinary and material locations and are ordered by a variety of relations such as those between HDR students, between HDR students and supervisors, and between HDR students and the faculty. Accordingly we are particularly attentive to the significance of institutional and disciplinary dimensions to these two overarching issues. The first issue is that of group sustainability. The transient nature of student populations and the sometimes onerous administrative burden placed on coordinators of groups mean that impermanence is a particular challenge. We suggest that the development of academic independence in HDR students is key to achieving sustainability and growth in HDR groups.

The second overarching issue is the particular challenge of sustainability for an inter-disciplinary group based in a law faculty.

³ Ibid. See also Lynn McAlpine et al, “‘Untold’ Doctoral Stories: Can we Move Beyond Cultural Narratives of Neglect?” (2012) 31(4) *Higher Education Research & Development* 511; Mary-Helen Ward and Sandra West, ‘Blogging PhD Candidature: Revealing the Pedagogy’ (2008) 6(1) *International Journal of Emerging Technologies and Society* 60; Claire Aitchison, ‘Research Writing Groups and Successful Thesis Writing’ in Joy Higgs, Debbie Horsfall and Sandra Grace (eds), *Writing Qualitative Research on Practice* (Sense Publishers, 2009) 253; Claire Aitchison, ‘Writing Groups for Doctoral Education’ (2009) 34(8) *Studies in Higher Education* 905.

⁴ Steele, Shackel and Bell, above n 2, 28.

⁵ Felicity Bell, Rita Shackel and Linda Steele, “‘The Books Don’t Talk to Me!’: Postgraduate student groups and research student identity formation’ in Stanley Frielick et al (eds), *Research and Development in Higher Education: Vol. 36. The Place of Learning and Teaching* (Milperra, Higher Education Research and Development Society of Australasia, 2013) 37.

⁶ Ibid.

There are examples of ‘success stories’ in the literature,⁷ but none, as far as we are aware, exemplified by student groups within the legal discipline. We consider the extent to which successful strategies for promoting longevity in inter-disciplinary groups located in other disciplines might be applied to a group located within the legal discipline. We also consider the specific role law academics might play in fostering openness and reflexivity in inter-disciplinary encounters amongst law HDR students.

In considering these two issues, we suggest that although law students may prefer the involvement of legal academics to direct or mediate group interaction, the sustainability of the group might instead depend upon academics retreating from the traditional role of teacher to explicitly promote a non-hierarchical structure and more egalitarian interactions. A strategic and supportive retreat may in fact enable both independent academic development amongst HDR students and self-reflection on disciplinary identity and boundaries, with positive consequences for both students and faculties.

Part II of the article provides a background to the possible pedagogical benefits of, and challenges facing, HDR law student groups. Part III describes the empirical research methods we used to generate the findings discussed in this article. Part IV examines the issue of the sustainability of HDR law student groups. Part V then builds upon the issue of sustainability by discussing the challenge of isolationism, which is particular to the legal discipline, and the challenges this might present for inter-disciplinary engagement by law HDR students.

⁷ See for example Denise Cuthbert, Ceridwen Spark and Eliza Burke, ‘Disciplining Writing: The Case for Multi-Disciplinary Writing Groups to Support Writing for Publication by Higher Degree by Research Candidates in the Humanities, Arts and Social Sciences’ (2009) 28(2) *Higher Education Research and Development* 137; Linda Galligan et al, ‘Evolution and Emerging Trends of University Writing Groups’ (2003) 19(1) *Queensland Journal of Educational Research* 28; Carly J Lassig et al, ‘Writing Together, Learning Together: The Value and Effectiveness of a Research Writing Group for Doctoral Students’ in Peter L Jeffrey (ed), *Australian Association for Research in Education 2009 International Education Research Conference Canberra: Papers Collection* (Australian Association for Research in Education, 2009); Colin Pilbeam and David Denyer, ‘Lone Scholar or Community Member? The Role of Student Networks in Doctoral Education in a UK Management School’ (2009) 34(3) *Studies in Higher Education* 301; Wendy Larcombe, Anthony McCosker and Kieran O’Loughlin, ‘Supporting Education PhD and DEd Students to Become Confident Academic Writers: An Evaluation of Thesis Writers’ Circles’ (2007) 4(1) *Journal of University Teaching and Learning Practice* 54; Jen Webb et al, *Australian Writing Programs Network: Final Report Prepared for the Australian Learning and Teaching Council* (University of Canberra, 2008). However note in this regard Buissink-Smith, Hart and van der Meer observe that few studies identify the factors contributing to a group’s success: above n 1, 696.

II BACKGROUND

This section provides background on the possible pedagogical benefits of HDR student groups for HDR law students. It also identifies the possible challenges that might impede the success of an HDR student group specifically in the legal discipline. There is a considerable body of literature concerning the benefits of student groups to HDR students in terms of supplementing the supervisor relationship, assisting completion of the thesis, and improving HDR skills, particularly writing skills.⁸ We identified these pedagogical considerations in an earlier article, describing them as ‘narrow’.⁹ Further, we identified (again from the pedagogical literature) broader and less immediately obvious benefits of HDR student groups, including socialisation into academia, peer learning, the creation of new and alternative learning spaces, and support for inter-disciplinarity.¹⁰

A particular concern for us in development of the Crim* Network at the University of Sydney was how to grow an HDR student group that is both inter-disciplinary and inter-faculty (and even inter-university) in form. Traditionally, at the institutional level, law faculties in Australia have tended to stand alone, although recent restructuring of many universities to create divisional structures or ‘mega-faculties’ has seen law schools become integrated with other disciplines. Thus, some law schools are administratively grouped under the umbrella of humanities (for example the University of Sydney and University of Wollongong) or business and economics (such as the University of Queensland, La Trobe University and Newcastle University). Arguably the traditional disciplinary boundaries of law are being pushed, witnessed by the growth of socio-legal research, empirically-based legal research and research at the intersections of law and

⁸ Steve Colbran and Belinda Tynan, ‘Australian Law Postgraduate Network’ (2006) 16(1&2) *Legal Education Review* 35; Cuthbert, Spark and Burke, above n 7; Rosemary Devenish et al, ‘Peer to Peer Support: The Disappearing Work in the Doctoral Student Experience’ (2009) 28(1) *Higher Education Research and Development* 59, 60-61; Larcombe, McCosker and O’Loughlin, above n 7; Webb et al, above n 7.

⁹ Steele, Shackel and Bell, above n 2.

¹⁰ Ibid; see also Susan K Gardner, ‘“I Heard it Through the Grapevine”: Doctoral Student Socialization in Chemistry and History’ (2007) 54 *Higher Education* 723; Lynn McAlpine and Catherine Amundsen, ‘Identity and Agency: Pleasures and Collegiality among the Challenges of the Doctoral Journey’ (2009) 31(2) *Studies in Continuing Education* 109; David Boud and Alison Lee, ‘“Peer Learning” as Pedagogic Discourse for Research Education’ (2005) 30(5) *Studies in Higher Education* 501; Michael Nettles and Catherine Millet, *Three Magic Letters: Getting to PhD* (John Hopkins Press, 2006) 89.

culture.¹¹ Further, the merging of law faculties with other disciplines may encourage intellectual and pedagogical integration, creating new opportunities and expectations for inter-disciplinary collaboration and identity.

Nevertheless, the historic separation of law as a discipline reflects a tradition of legal research as isolated both in a disciplinary and institutional sense from other fields of inquiry in the humanities, arts and social sciences. Indeed, the hierarchical and competitive nature of undergraduate law study is something of a trope.¹² Although this is not a recognised characteristic of HDR in law, within postgraduate study in law there remains an emphasis on professional degrees such as the Juris Doctor and Masters by coursework,¹³ which might be indicative of study motivated by competitive individualistic career progression goals outside of the academy rather than an interest in intellectual inquiry and becoming a member of an academic community.¹⁴ To the extent that particular academic disciplines are likely to be imbued with different academic cultures,¹⁵ law reputedly retains a self-focused emphasis on professionalism and legal practice rather than the

¹¹ Gabrielle Appleby, Peter Burdon and Alexander Reilly, 'Critical Thinking in Legal Education: Our Journey' (2013) 23(1-2) *Legal Education Review* 345; Susanne Davies, 'From Law to "Legal Consciousness": A Socio-Legal Pedagogical Expedition' (2013) 29(2) *Law in Context* 42; Terry Hutchinson and Nigel Duncan, 'Defining and Describing What We Do: Doctrinal Legal Research' (2012) 17(1) *Deakin Law Review* 83; Fleur Johns, 'On Writing Dangerously' (2004) 26(4) *Sydney Law Review* 473.

¹² See for example John Jay Osborn, *The Paper Chase* (Houghton Mifflin, 1970); Lisa Pryor, *The Pinstriped Prison: How Overachievers Get Trapped in Corporate Jobs They Hate* (Pan Macmillan, 2008); Sandra S Berns, 'Through a Glass Darkly: Legal Education at Century's Turn' (2000) 25(6) *Alternative Law Journal* 265, 298; Helen Brown, 'The Cult of Individualism in Law School' (2000) 25(6) *Alternative Law Journal* 279, 287.

¹³ Arlie Loughnan and Rita Shackel, 'The Travails of Postgraduate Research in Law' (2009) 19(1-2) *Legal Education Review* 99, 116; Desmond Manderson, 'Law: The Search for Community' (2002) 26(74) *Journal of Australian Studies* 147. Regarding motivations for postgraduate study in law, see Kathryn White, 'Making the Grade: Pondering the Postgraduate Option' (2002) 94 *Lawyers Weekly* 18; Francis Wilkins, 'Giving your Legal Career the Second Degree' (2004) 175 *Lawyers Weekly* 14.

¹⁴ Terry Hutchinson, 'Taking up the Discourse: Theory or Practice' (1995) 11 *Queensland University of Technology Law Journal* 33; Ian Duncanson, 'Degrees of Law: Interdisciplinary in the Law Discipline' (1996) 5 *Griffith Law Review* 77.

¹⁵ Tony Becher, *Academic Tribes and Territories: Intellectual Enquiry and the Cultures of Disciplines* (Open University Press, 1989); Sara Delamont, Paul Atkinson and Odette Parry, *The Doctoral Experience: Success and Failures in Graduate School* (Falmer Press, 2000); Colin Pilbeam and David Denyer, 'Lone Scholar or Community Member? The Role of Student Networks in Doctoral Education in a UK Management School' (2009) 34(3) *Studies in Higher Education* 301. The authors note further that others have discussed the isolation of doctoral students in the natural sciences notwithstanding this apparently more cohesive structure.

study of law itself as a site of critical inquiry.¹⁶ Thus, there is a focus on the law's application to problems, rather than how the law itself constructs these problems. Arguably, this approach also affects the study of law at the HDR level, with an under-problematising or lack of reflection on the practice of HDR research itself, even at a doctrinal level. In Part V below we discuss how this feature of HDR law study might have a particular impact on the sustainability of *inter-disciplinary* HDR law student groups.

Having provided a background to the pedagogical basis for HDR student groups, and in general terms the institutional and disciplinary contexts in which a law HDR student group will be situated, we now reflect on how these disciplinary features peculiar to law might impact on the formation and sustainability of HDR student groups, and how legal academics might act upon these to encourage self-reflection and inter-disciplinary engagement.

III METHOD

In this Part we describe our methodology behind the findings discussed in Parts IV and V. As discussed in our previous work, we sought feedback about HDR student groups both from students who had participated in the Crim* Network and from students completing HDR degrees in law.¹⁷ A survey was completed by three participants in the Crim* Network. Though the numbers are very small, this survey was useful in elucidating these members' feelings about the group.

Another survey was distributed to students attending the Sydney Law School Postgraduate Conference held in October 2012. Twenty-one completed surveys were returned from approximately 60 surveys distributed. Subsequently, the link to an online version of the survey was sent to law schools in New South Wales with a request that it be disseminated amongst HDR students. Fifteen online surveys were completed. (Due to the mode of distribution it is not known how many students actually received the link). Thus in total, 36 surveys were received. We acknowledge that this is a very modest sample size and that the sample is self-selected.

Our survey instrument included both closed questions (yes/no) and questions utilising limited ratings scales (yes, to a large extent, to some extent, no), and open-ended questions where participants were invited to comment generally. Questions were asked about participants' HDR student experience including questions about units of study and relationships with supervisors. The survey also

¹⁶ Manderson, above n 13; Margaret Thornton, 'The Law School, the Market and the New Knowledge Economy' (2007) 17(1-2) *Legal Education Review* 1; Steele, Shackel and Bell, above n 2.

¹⁷ Steele, Shackel and Bell, above n 2.

asked participants about their interest and participation in research-related groups, what they sought from such groups, and the ideal format of such groups.¹⁸

Given the small number of survey responses and our somewhat ad-hoc sampling method, the quantitative results of the surveys are of limited value. However, qualitative analysis of the responses was illuminating as a means of identifying some emergent themes,¹⁹ particularly in cases of apparent ambiguity or disjuncture between scale (tick box) responses and comments. For example, in answer to the question 'Are you satisfied with the opportunities available to you for intellectual and social exchange with other postgraduate students?', several students responded that they were satisfied with available *opportunities* but not necessarily with their actual engagement with these opportunities.

Following analysis of the survey responses, we invited academics and HDR students who we identified through web-based research as being involved in running research-related groups, to participate in informal discussions with a researcher about their group and its goals, format and operation. Five academics and two students participated in such discussions. The HDR groups described by those we interviewed were diverse. They ranged from structured programs with regular meeting times and formats to almost ad hoc gatherings. All were face-to-face save one, which was purely an online forum. The two students and one academic were based in law faculties; the remaining four academics were based in the humanities.

These discussions were particularly useful to us as a counterpoint to the survey data, illustrating the other side of the coin, as it were: running a group, rather than being a participant. Although they are only individual narratives, they illustrate the alternate experiences and perspectives of academics and students involved in HDR groups. These experiences are particularly relevant to the question of the role of academics as facilitators of such groups.

The discussion now turns to particular findings relating to the sustainability of law HDR groups.

IV SUSTAINABILITY

The experience of being an HDR student is (ideally) a transient one. Students complete their thesis or dissertation (preferably in a

¹⁸ Following distribution of the hard copy survey at the Sydney Law School Postgraduate conference, four additional questions were included in the online survey (questions 1, 4, 5 and 14) concerning gender, mode of candidature (part time or full time) and area of study being related to "crim". Questions 7 and 8 were also modified by being broken explicitly into two parts and including the additional response options 'to some extent' and 'to a large extent' as well as 'yes' and 'no'. This reflected distinctions made by respondents to the hard copy survey.

¹⁹ David R Thomas, 'A General Inductive Approach for Analyzing Qualitative Evaluation Data' (2006) 27(2) *American Journal of Evaluation* 237.

timely fashion) and move on – to postdoctoral or other academic positions (in which case they may remain at the same institution) or non-academic fields. HDR students might be a foundational source for early career researchers/academics within a Faculty, creating a continuum rather than a break between HDR student and subsequent academic identity. Yet, once individuals submit their thesis and progress to other academic roles, they are likely to seek out networks of similarly qualified peers. The transient and possibly foundational nature of HDR student identity means that a student-led group that is solely member-driven, without institutional recognition or support (however informal), is likely to disband once key members have completed their HDR studies, or more likely sooner, depending upon the competing demands of members (which commonly increase as students move towards completion). Sustainability might be the measure of a group. In other words, if the HDR group carries on without key members or with changes in membership over time, this indicates functionality. On the other hand, the value of a group that achieves its specific purpose (such as the members learning more about a particular theory or method of analysis) is not diminished by disbanding once this learning is complete. Nevertheless, we perceived that a goal of the Crim* Network should be to engender independence beyond specific members. Herein may also lie the distinction between a group and a network. There has been little interest or attempt in the literature to distinguish between an academic group and a network. These two terms seem to be used interchangeably. The *New Oxford Dictionary* defines a group as ‘a number of people or things that are located close together or are considered or classed together’.²⁰ The term ‘group’ thus imports somewhat of a static identity and possibly connotes a more unified, homogenous and maybe even limited membership. The term ‘network’, on the other hand, imports connectivity and outreach; membership is understood to extend beyond a singular integrated entity to other clusters connected by shared interests. Clusters within a network may be of similar form and possess concomitant focus but may also be constituted by a range of varied forms of diffuse focus. A network connotes complexity, dynamic, multi-directional relationships,²¹ and an identity borne of and shaped by its constitutive connections rather than the strength of any individual member. Therefore, building scaffolding for sustainability in a network arguably requires moving from structural impermanency to structural endurance by creating fluid, organic and self-generating synapses of connection within the network.

Groups that are run by academics, even if *for* students, may be expected to have longer lifespans. Four academics interviewed in

²⁰ *The New Oxford Dictionary of English* (Oxford University Press, 1998) 812.

²¹ *The New Oxford Dictionary* defines a ‘network’ as ‘an arrangement of intersecting horizontal and vertical lines’: *ibid* 1246.

our study were involved in running groups that were structured and clearly auspiced by the relevant University. All had relatively secure funding for their activities. Facilitation of groups was part of the job description of two of the academics; running the group was treated similarly to regular teaching work. Another academic explained that an initial grant was used to create a website for the group while continuing funding allowed for small payments to be made to students running online workshops. Although academics were occasionally involved in also running online workshops, they were not paid for their time in doing so. A fourth academic operated a seminar group that also had ongoing funding.

Buissink-Smith, Hart and van der Meer distinguish between groups that have developed in a 'bottom-up manner' (which they suggest are most of those described in the literature) and those 'artificially manufactured by the institution' as were the groups in their study at Otago University.²² Their study identified the potential for 'manufactured' groups to be successful:

Particularly interesting here is that students and peer leaders actually found the continued involvement of the institution to be both comforting and legitimising, especially for international students.²³

It would have been interesting if the authors had unpacked this observation a little more. What kind of 'legitimacy' is being sought, and why is this considered important to students? We note this particularly because many other groups discussed in the literature are, as Buissink-Smith et al note, 'hidden' from their institutions.²⁴ If the perceived promise of legitimacy has its benefits, then what counter benefits might illegitimacy or institutional invisibility have to HDR students?

We posited in a previous article that similar desires for legitimacy, structure and longevity may have influenced students' responses to our survey indicating that most students thought academic involvement was key to the success of any group.²⁵ A participant in the Crim* Network surveyed commented:

I would support the group being managed/administered by a faculty staff member, because I think it puts a huge burden on students to manage these kinds of groups without administrative support. There is also the problem of students leaving the faculty once they complete, and the loss of institutional 'memory' about how the group is run. (#CN3)

²² Buissink-Smith, Hart and van der Meer, above n 1, 696.

²³ Ibid 702.

²⁴ Ibid.

²⁵ In response to the question 'Would a group need academic involvement to function successfully?', 23 answered 'Yes', 9 answered 'No' and there were 4 non-responses. Of the 9 who answered 'No', 4 commented that academic involvement would nevertheless be desirable.

Clearly, there are benefits to longevity in terms of the group's activities and functioning; re-learning may be unnecessarily time-consuming when there is an existing functional model. It is likely to also increase trust amongst members. However, less formal groups may also form in order to achieve a specific purpose and disband again relatively quickly. A postdoctoral fellow explained that he had set up a reading group specifically to examine a particular area of intersection between philosophy and linguistics:

I'm hoping longer term to build up some more sustainable links between linguistics and philosophy before I leave [the University], but this probably won't be it. This is so idiosyncratic and particular to our interests, and there isn't really a critical mass of people who could carry this thing on. (Paul)

A PhD student, Chris, explained that he had also set up a group in order to learn more about a particular area of legal philosophy. After a time, he felt that the group had exhausted itself – moreover, that the burden that fell to him as the organiser had become too great.

The circumscribed goals of these groups – concentrating on a discrete area – perhaps meant that they could not, without a broadening or deepening of interests, continue for more than a limited time. Indeed, it also suggests that longevity is not always necessary if a group achieves its specific purpose. It seemed, however, that both Paul and Chris had hoped that interest in their respective groups might increase sufficiently to sustain the groups. In Chris's case, he felt that the other members of the group did not have sufficient motivation to increase their knowledge, and accordingly he fell into the role of a tutor rather than an equal participant in discussion.

In contrast, two academics, Frances and Elsa, ran very structured inter-disciplinary writing groups with a set format in which students provided written work for feedback by the group. Facilitation by the academic could be more or less hands-on as required and all members of the groups were self-selecting.²⁶ Nevertheless these groups adhered to much more traditional student-teacher roles and the format was quite fixed. Both academics also reported that though the groups did not have an explicit social function, they believed them to fill an important support role for students.

Different again to both the less formal but content-specific groups and the highly structured, skills-oriented groups, Jess (an academic and HDR student) described a different writing group. Comprised of five members who had met at the commencement of their doctoral degrees, the group was purely social for the first six months or so when its members decided to begin sharing their written work with one another. Jess explained that although one

²⁶ Consideration was being given to making one of the groups compulsory for HDR students in a specific department.

member took the lead in organising a schedule for the exchange of work, it was very important that all members attend meetings, and times (always evenings) were therefore set by consensus. She was very positive about the group and commented that she hoped it would continue until all members completed their doctorates. This group had existed for some three years. There had been no attempt to recruit new members as it was felt that to do so might upset the equilibrium of the group.

The range of different types of groups that emerges from the literature and from the survey and interview data illustrates that diverse structures, levels of formality and institutional support can be attributed to the different goals and purposes of the groups. In the section below we explore this further.

A *The Ad-Hoc and the Formal*

Each of the groups described by respondents in the surveys and interviews were quite different in their aims, format and membership. The writing groups, like others described in the literature,²⁷ appeared to be fulfilling clearly defined goals falling within a narrow conception of doctoral pedagogy.²⁸ Given their location within institutions, and the engagement of academics who were able to devote a significant portion of their time to the group, the writing groups were almost akin to classes or tutorials for HDR students. They had operated successfully for several years. One academic commented on the contrast with less structured groups:

Every now and then someone will try and get up a thesis writing group or something to help students and it depends on the individual's motivation and time, the rest of your workload whether it actually gets maintained. *They tend to just sort of die within departments* (emphasis added). (Frances)

These groups were more resource-intensive than the loosely organised reading groups of Paul and Chris. Nevertheless they were funded by their institutions because of their positive outcomes – outcomes which could be clearly measured in terms of output. They also appeared to clearly meet the ideal that some surveyed students were seeking of an academic guiding the operation and direction of the group.

While formal academic involvement might have its benefits, this might not always be possible due to the particular dynamics (e.g. size, resources) of the institutional setting of the group. For example, in design and development of the Crim* Network we did not envisage the employment of an academic to carry out the facilitation function, which both Frances and Elsa acknowledged

²⁷ Aitchison, 'Writing Groups for Doctoral Education', above n 3; Denise Cuthbert and Ceridwen Spark, 'Getting a GRiP: Examining the Outcomes of a Pilot Program to Support Graduate Research Students in Writing for Publication' (2008) 33(1) *Studies in Higher Education* 77.

²⁸ Steele, Shackel and Bell, above n 2.

as involving a considerable amount of work. Sydney Law School, where the Crim* Network is located, has a smaller cohort of HDR students than the humanities departments in which writing groups appear to be most commonly situated, and many are part time students who are disconnected from campus life.²⁹ Even in larger departments, the actual number of students taking up the opportunity to participate in writing groups has been noted to be relatively small.³⁰

The remaining groups that were discussed in the surveys and interviews perhaps fit more easily into a conception of 'peer learning'.³¹ All were intended to be non-hierarchical and did not discriminate between student and academic members. In the case of Jess's group, for example, although she herself held an academic appointment, she felt that the participants all attended the group in their 'student' persona and on an equal footing. Therefore, while academics do have a gatekeeper function in sustaining groups, the impetus for the formation and continuation of groups might also emerge from the very specific research interests and social networks that students form. As such, academic involvement is not necessarily essential to HDR groups. Building on this, the paper now turns to consider how a reduced involvement by academics can actually foster HDR student independence and, in turn, fortify the sustainability of HDR groups and networks.

B *Transitioning to Academic Independence*

As we have previously noted, it seems that many HDR students in law do not view themselves as being in pursuit of an academic career.³² Thus the 'development of a professional scholarly identity'³³ may be less important than the timely completion of studies, the purpose of which is to progress careers outside of the academy, or the needs of those who must fit HDR study around full time work in legal practice and family commitments. Nevertheless the importance of peer learning and developing academic independence is recognised amongst commentators not just for progression to an academic role but for completion of the

²⁹ There are currently 60 HDR students at the Sydney Law School who are enrolled on a part-time basis. Approximately half the online survey respondents ($n = 8/15$) indicated they were enrolled on a part-time basis, with all indicating this was due either to family or work commitments (this was not asked of students completing the hard copy survey). The impact of part-time status also manifested in some survey comments regarding satisfaction and feelings of isolation, such as "Perhaps because I am a part-time student, I feel very disconnected from the student community anyway" (#13).

³⁰ Aitchison, 'Writing Groups for Doctoral Education', above n 3.

³¹ Boud and Lee, above n 10.

³² Bell, Shackel and Steele, above n 5, 41.

³³ Vicki Baker and Meghan Pifer, 'The Role of Relationships in the Transition from Doctoral Student to Independent Scholar' (2011) 33(1) *Studies in Continuing Education* 5, 5.

dissertation. Baker and Pifer, reporting on their study of American doctoral students, explain as follows:³⁴

The students in our study who did not realise the importance of networking and collaboration, or lacked the confidence to engage in these activities, suffered as a result, and had a more difficult time making that transition from student to scholar. *They seemed to be waiting for someone else to assign them to a project or otherwise direct their efforts and progress.* Efficacy and initiative are critical to making the transition from student to scholar, and engaging in collaborations with individuals in the community are key for making this transition effectively. (Emphasis added.)

Entirely student-run groups might be expected to avoid such a pitfall. However, without a certain degree of proactivity or commitment to the group, a single motivated student (such as Chris) may be left to push the group along unassisted.

We have previously noted also the two-limbed nature of socialisation for doctoral students - as student and as academic - and the apparent discreteness of these limbs. This might itself be problematic insofar as the former might inhibit the latter. Chris seemed to feel that the other members of his group were not interested in engaging in a scholarly way with one another but rather waiting for him to 'teach' them. This echoes similar themes in writings on undergraduate education. For example, Heim, discussing tutorial facilitation, explains that when the tutor projects too much authority, student response may be inhibited.³⁵ She comments that '[s]tudents learning from an "expert" may not have much investment in and may take no responsibility for their own learning'.³⁶ Chris, who had formed his group around his own research interests, had perhaps slipped too far into the role of 'expert'. From his point of view, the best meeting occurred when a senior academic attended, possibly because this relieved him of the role that he had unintentionally taken on.

There is the potential for 'academic involvement' to assist HDR students in transitioning to viewing themselves as scholars and academics rather than novices. Yet the discussion above also highlights the need for academic involvement to be balanced by student initiative in order for the transition from being a student to be successful. It further demonstrates the skill involved in being a facilitator of a group, which goes beyond, for example, simply selecting content for discussion. Although none of the interviewees mentioned specific training in group facilitation, both Elsa and Frances emphasised their knowledge of the pedagogical literature

³⁴ Ibid 12.

³⁵ Caroline Heim, 'Tutorial Facilitation in the Humanities based on the Tenets of Carl Rogers' (2012) 63(3) *Higher Education* 289.

³⁶ Ibid 295. See also C Silén, 'The Tutor's Approach in Base Learning' (2006) 51(3) *Higher Education* 373; Sandra Griffiths, 'Teaching and Learning in Small Groups' in H Fry, S Ketteridge & S Marshall (eds) *A Handbook for Teaching and Learning in Higher Education* (Kogan Page, 2003) 91.

regarding, in particular, writing groups. Elsa's background in linguistics meant that she was able to provide feedback on specific aspects of writing structure and style.

Although the interview narratives are not generalizable findings, the facilitation role played by Frances and Elsa in HDR student writing groups would seem to be one way that a transition to greater academic independence on the part of students might be achieved. Elsa explained that she had over time changed the format of the group so that less time was spent on her feedback, freeing more time for students to speak. A strategic withdrawal strategy to allow hand-over to experienced students after a certain period of time might be a way of encouraging a group to become self-sustaining.

Meanwhile, the structure of the group might provide students with the opportunity to locate others with whom they might work absent a mediating academic influence. This was in fact how Jess's group had begun, as its members met at a compulsory legal research class that formed part of HDR study at a law faculty.

The continuing background presence of academics is likely to be beneficial for group momentum. Occasional attendance at meetings, for example, could bring new resources to the group in the form of content, or facilitation style, as well as sending a more subtle message about the validity of the group's activities. Academics may also have a role to play in encouraging reflection on disciplinary identity and boundaries, as well as facilitating the formation of inter-disciplinary relationships, which is discussed in the following section.

A further issue raised by the interview narratives is that the most self-sustaining groups are those in which the effort of contributing is matched or exceeded by the benefits the participant receives, regardless of whether those benefits are academic, personal or social. This is of course likely to change as students progress through their HDR degrees and available time and goals may alter. It seemed that Chris had begun to feel an imbalance in his legal philosophy group. Paul's group, on the other hand, was functioning well from his perspective, although he commented:

Oh, it's definitely helpful for *me*. Others, yeah, I don't know! For me, it's definitely good because I get to talk with the linguists, and I don't have much background in linguistics, so I get to find out what's going on and what sort of questions they ask. It's very enlightening for me. (Paul)

For Jess, although her group had a focus on thesis writing, its benefits were conceived of more holistically. She explained that it was not solely about giving and receiving feedback on written work but for friendship and support, and, as she explained:

I really appreciate the intellectual stimulation of the group, being surrounded by ideas and people interested in exploring the world of ideas. (Jess)

This description perhaps represents the broadest of pedagogical goals, and indeed the archetypal academic experience – a group focused on intellectual discussion. Jess contrasted this with her experience of being based in a law faculty, commenting that academics tended toward insularity. She found it refreshing to commune with others in different research areas, as all the members of her group had diverse interests, despite all being located within the legal discipline.

Therefore, HDR law student groups might begin with diverse goals and purposes and have differing levels of institutional or academic support. Yet, ultimately HDR student groups will benefit from a framework that fosters student independence, and ideally any academic involvement in a group should be aimed towards this end. We now turn to discuss the extent to which isolationism of the law discipline might impact on the sustainability of an inter-disciplinary HDR law student group.

V ISOLATIONISM AND INTER-DISCIPLINARITY

As noted above in Part II, HDR legal research has arguably been shaped by the peculiar disciplinary isolation and pragmatism that has historically characterised the law.³⁷ Through its approach to empiricism, law has been its own gatekeeper, determining the realities and ideas from other disciplines that will be authorised within its disciplinary space. As Blomley notes, '[g]iven its closure, law vigorously polices knowledge, with a suspicion of that deemed to lie outside its boundaries. External influences ... are thus admitted – if they are admitted at all – on law's terms'.³⁸ In a discussion about situating law and legal research, Loughnan and Shackel have commented:³⁹

Acknowledging the difficulty of the task of pinning down what it is that is distinctive about legal research, [the Council of Australian Law Deans] suggests that, in part because of the primacy of doctrinal research and the distinctive notion of 'legal reasoning', legal research falls neither wholly within one or other category.

Loughnan and Shackel have noted the likelihood that legal research will have a certain degree of overlap with other fields.⁴⁰ HDR students in law are engaged in a wide range of projects. Descriptions of research areas from our student surveys included such divergent topics as '*Critical legal geography analysis of jurisdictions and spatiality and animal law*', '*Transitional justice*

³⁷ Duncanson, above n 14; Margaret Thornton, 'The Dissolution of the Social in the Legal Academy' (2006) 25 *Australian Feminist Law Journal* 3.

³⁸ Nicholas Blomley, 'From "What?" to "So What?": Law and Geography in Retrospect' in J Holder and C Harrison (eds) *Law and Geography* (Oxford University Press, 2003) 17, 21.

³⁹ Loughnan and Shackel, above n 13, 102

⁴⁰ *Ibid.*

and aid effectiveness', and *'The role of legislation in promoting gender equality in employment'*. These research areas indicate the possibility for a certain level of diversity in an inter-disciplinary law group, as was raised by Jess (discussed in the previous section). The range of research methodologies, analytical approaches and topics lends itself to a quasi-inter-disciplinarity.

In response to a question concerning interest in participating in a group with members from different faculties or disciplines, approximately two thirds of students ($n = 24$) expressed themselves as interested in participating in such a group.⁴¹ Nine students qualified this by reference to relevance to their own area of study. The following was a typical response:

Yes but only if there was a clear overlap in our research / focus / expertise (#29)

Thus, there is a tension between the desire for inter-disciplinarity and the need to invest one's (limited) time in subjects directly relevant to his or her immediate area of research. Four more students commented (in relation to a different question) that they had not previously participated in a research-related group because they did not know of any in their field of interest. A comment from a Crim* Network participant was also illustrative of difficulties:

It appeared to me that the 'group', small though it was, represented such diverse perspectives as to be unable to induce meaningful debate, i.e. sensible contestation, at the conceptual or methodological level. That seemed to mean we had to content ourselves with talk of the 'research experience', which of course need not be shared, making it easier to 'share', in the sense of talk freely of personal experience without risk of offence. (CN#1)

It might be that inter-disciplinarity still needs to be founded upon shared theoretical, political or methodological approaches. This would seem to be the case in relation to groups such as those of Paul and Chris, which focused on particular narrow research interests. However, at times, such an approach may lead to missed opportunities, such as the discovery of unexpected points of commonality. Indeed, it may be a problematic feature of law itself that there is a tendency for both practitioners and academics to specialise in increasingly narrow subsets. This may result in a failure to identify an interest or shared ground both within the legal discipline and outside of it.

Compounded with this observation, however, it seems that inter-disciplinarity is not 'a strength' of the HDR law experience. Manderson has noted the lack of training in inter-disciplinarity for

⁴¹ In response to this question, 24 students responded 'yes', 5 responded 'no' and there were 7 non-responses. It should be noted however that over half of these (21/36 responses) were from students surveyed at the Sydney Law School Postgraduate Conference which was explicitly inter-disciplinary in its focus, meaning that these students might be more inclined toward a positive view.

postgraduate research students in law.⁴² Further, he has suggested that the predominance of ‘traditional’ methods of the *study* of law (such as doctrinal research) may at times lead to the devaluing of the inter-disciplinary study of law and methods for doing so.⁴³ The practice of doctrinal research as technical method also removes the need for reflexivity in legal research. Indeed the dominance of doctrinal research as a technical exercise in ascertaining the law was clearly illustrated by one survey comment:

My subject area is quite black-letter law so I don't think [an inter-disciplinary group] would be very beneficial. (#3)

The specialisation encapsulated by ‘black letter law’ thereby of itself rejects other disciplinary perspectives.

One of the benefits of an inter-disciplinary group is that students are able to develop confidence in their own knowledge and ability by explaining their research to others from outside the field. An exchange of information in which students take turns at being the ‘expert’ assists in organising ideas and concepts.⁴⁴ Jess, Frances and Elsa all commented on this. Yet all explained that academic-run groups such as departmental seminars are typically organised around similarity of content and perhaps at times with (as Jess suggested) a certain amount of insularity.

McAlpine and Amundsen have previously discussed the importance of academic climate and the particular attitudes of faculty in the context of HDR student identity and agency.⁴⁵ In some faculties, absence of a cohesive culture may impact upon HDR students’ ability and desire to engage in collaborative and equitable group interactions. As noted above, group facilitation is a particular skill which may not necessarily come easily to all. This may be made more difficult by a lack of examples to follow – that is, if academics are not modelling or encouraging successful interactions or collaborative activities, students must look elsewhere for guidance.⁴⁶ Yet, the benefits of research related groups are not confined to HDR students but are rather highly relevant also to academics and, as previously discussed, in the transition from student *to* academic. Further, as noted, there may be a tendency for academic clusters to form around commonalities of subject matter. While logical, in a competitive climate where tertiary institutions demand research output from their members, this may unwittingly precipitate a lack of openness.

Thus, institutional dynamics, notably the involvement of individual academics and the climate of faculty at large, is

⁴² Manderson, above n 13, 156.

⁴³ *Ibid*, 150.

⁴⁴ See also Cuthbert, Spark and Burke, ‘Disciplining Writing’, above n 7.

⁴⁵ McAlpine and Amundsen, above n 10.

⁴⁶ Note however the comment of Buissink-Smith, Hart and van der Meer that students in their study ‘had a very strong sense of what a positive research culture should, or could, look like’: above n 1, 700.

significant to the success of inter-disciplinary HDR law student groups. In Part IV above we noted that academics should be involved in groups in order to foster independence. Here we would add to this that academics can specifically foster in students an openness to ideas beyond the legal discipline, skills in listening, facilitating and participating in critical discussion and a general reflexivity in approaching one's own research.

VI CONCLUSION

This article has examined the significance of institutional and disciplinary dynamics to the operation, growth and sustainability of HDR law student groups. This discussion was motivated by the very particular nature of the law discipline and HDR law study, many features of which would seem to present challenges to the very concept of group-based learning and inter-disciplinary reflection.

Drawing on the findings of a small sample of surveys and interviews with participants in, and organisers of, HDR student groups in the law and humanities disciplines, the article explored the diversity of group structures and functions and the varying roles played by academics and the faculty in these groups. We conclude that academics can have an important role in fostering skills in independence, critical thinking, listening and facilitation of discussion that are central to the success of a group. Moreover, academics and the broader faculty are in a position to foster a culture of inter-disciplinarity and collegiality. This might be especially important when it comes to law faculties and the legal discipline, given its traditional isolationism. The project of promoting HDR law students' openness and reflexivity is a valuable one given the increasingly inter-disciplinary nature of legal research. Our emphasis on inter-disciplinarity is particularly relevant to the Crim* Network, given that the network will include HDR students in law, criminology and socio-legal disciplines, as well as aligned disciplines such as sociology and cultural studies. Being mindful of the particular disciplinary isolationism of 'crim*' scholars located within the law discipline alerts us to two possible challenges to the sustainability of our group. One is fostering an openness and reflexivity in law HDR students participating in the network. The other challenge is to be aware of the particular assumptions and concerns about the legal discipline and law students that 'outsider' HDR students (i.e. students located in non-law disciplines) might bring to such a group.

We suggest that adopting such roles can lead to a more sustainable HDR law student group. This might also have particularly significant effects in relation to the broader and less immediately obvious pedagogical benefits of HDR law student groups discussed in Part II: socialisation into academia, peer learning and the creation of new and alternative learning spaces,

and supporting inter-disciplinarity. The findings here suggest that the Network must be structured in such a way that it is always mindful of its sustainability, developing with an eye toward future incarnations rather than as a finite enterprise. The Network will need to draw upon academic and faculty support in order to develop in participating students a strong sense of autonomy and collegiality to ensure both the day-to-day operation of the group by students and its intergenerational survival.

Ultimately whilst we recognise the importance of growing a HDR group with the scaffolding necessary for sustainability and in a pedagogically robust way which recognises what students seek to gain by participating in such a group, we also recognise that the success and experience of such a group, its vibrancy and specific character will inevitably be shaped by the group of individuals that are involved in it at any given time. In saying this we wish to recognise the organic nature of such groups and the role that some intangibles will necessarily play in their development and success.