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Navigating fluid epistemic spaces: emerging challenges for student knowing and learning in public international law**Abstract:**

This article explores challenges for knowing and learning in evolving knowledge fields. Legal education is chosen as a particularly interesting case as the knowledge field of law is expanding to international law with a multitude of actors, obligations, conventions and interpreters. In the current study, students' group work with case assignments was observed and interviews with students and teachers conducted within a course in public international law. The following question was examined: *What learning challenges do the students face when solving cases in international law?* By employing sociomaterial perspectives on navigation as finding ways to interpretational possibilities in evolving and complex constellations of procedures, texts, and various actors in the knowledge field, the study pursued an analytical interest in how professional resources were assembled in the students' work, and how such assemblages served to order practice and justify their decisions. The analysis showed that the students' previously learned strategies for linking authoritative texts and questions in defining and solving legal problems were challenged by less stabilised constellations of textual sources and interpreters of law. The analysis also revealed tensions in the course setting between demands of navigating more open knowledge landscapes and expectations about student behavior in current educational practices.

Keywords:

Professional learning,

Fluid Epistemic Space,

Learning challenges,

Legal education,

Sociomaterial approach,

Introduction

The law professor looks through the window of his office: Yes, out there [pointing to the street outside campus], the different actors in the judicial field do not always see the international dimensions as they engage in legal problems (...) It puzzles me that they do not draw more upon international rules that can obviously strengthen their case (...) It is simply the profession...that's where it slips up. And we see the same problem in other countries as well.

The quote in the text above derives from an interview with a law professor who is teaching at a Norwegian law-programme. This quote illustrates recent changes in the legal field concerning an expansion of the knowledge domain into international law, with the growth in knowledge-producing and legislative actors and the texts that these actors generate. It also expresses a worry that the profession is too slow in adopting these changes and transforming its practices accordingly. While the developments in international law are specific to this profession, an increasing diversity in types of actors and stakeholders is also observable in other professional fields (e.g. Lehtinen, Hakkarainen, and Palonen 2014). Internationalization is highlighted as a key dimension in transforming professional work and knowledge in various fields (e.g. Evetts 2011, Faulconbridge and Muzio 2009). In such settings, established rules and conventions that guide professional decision-making become increasingly contested, serving to destabilise knowledge domains and the routes that professionals may follow. As a consequence, the epistemic spaces for professional work— that is the spaces for action comprising knowledge resources, norms and rules for interpreting professional problems— become more fluid (Markauskaite and Goodyear 2017).

Such developments also challenge professional education and ways of introducing newcomers to core practices of the profession. Education into the professions has commonly been understood as a process of socialisation into existing communities and their collective knowledge, rules and conventions (Lave and Wenger 1991; Sullivan et al. 2007). However, several researchers have argued that professional practice needs to go beyond what is known; that teaching and learning cannot only be about a set of predefined frameworks and disciplinary insights; and that engaging in professional practice implies critical engagement and active exploration of different possibilities of interpretation (e.g. Markauskaite and Goodyear 2017). It has also been argued that, in evolving knowledge fields, participation requires awareness of the logics of knowledge production in the professions—that is, how knowledge is produced, picked up and circulated through multiple practices and actor constellations (Jensen, Lahn, and Nerland 2012). However, less is known about how changes in the knowledge domains influence teaching and learning in professional education, or what kinds of challenges teachers and students face in this regard.

This article addresses how more fluid spaces for knowledge work challenge students in professional education by examining core challenges for knowing and learning in a public international law course. Like other professional fields, law is positioned at the intersection between what is established or agreed upon and new knowledge developments entailing more or less stabilised knowledge relations. Historically, textual sources, and how these underpin law as a rule-based knowledge field, have contributed to stabilisation (Latour 2010). Such texts are typically linked in systematic ways, and therefore serve important functions in securing the certain predictability of law to avoid 'expeditious justice' (Latour 2010, 188). For instance, there is a cumulative structure of legal statutes and court decisions that build on each other. However, several current tendencies within international law may challenge these

stabilising forces, making the space for interpretation more fluid. In a wider context this is related to the internationalization of a knowledge domain, which subsequently implies a growth of actors and stakeholders this implies.

Developments in the knowledge field of law

Several scholars have pointed to developments within international law, as well as in the relations between international and domestic legal systems, that challenge the stability of the legal domain.¹ One issue highlighted in these studies is the growing number of international treaties—written agreements entered into by actors within international law—reflecting the variety of actors and forms of relations between such actors (Ruud and Ulfstein 2011; Waibel 2015). These written agreements are embedded in a horizontal organisation of both written sources of law (i.e. court rulings and international treaties such as charters and conventions) and ‘customary law’, denoting what is considered as evidence of a general practice accepted *as law* within the international legal community. Although the field is regulated by authoritative rules for how to interpret legal treaties, the way in which validation happens across the knowledge field accommodates for the presence of various ‘communities of interpreters’ (Waibel 2015). Waibel and others (e.g. Lang 2012) have noted how the field is expanding, with an increasing number of issue areas represented by such actors as judges and arbitrators on international courts and tribunals, national courts, government legal advisors, staff of international organisations and a wide range of non-state actors. According to Waibel, these interpretative stances are often implicitly shared and conflicting:

International law is ‘colonized’ by an ever-increasing number of issue areas that are often in a relationship of conflict with one another. Each regime, with its own language, background norms, and shared understandings promotes varied policy goals. Each is primarily concerned with the pursuit of its own goals, be it the protection of the environment, human rights, or cross-border investment. (Waibel 2015, 160)

The field is also characterised by several unresolved issues and ongoing debates among legal scholars concerning relations between different domestic legal systems and between domestic systems and international regulations, such as how and to what extent domestic rules should be understood and interpreted in the light of international rules (e.g. Boe 2012; Waibel 2015). Although controversy within international law is not a new phenomenon (D’Amato 1984), it is argued that the increasing number and variety of interpretative actors, as well as the unresolved issues between national and international rules, create more fluid epistemic spaces for professional decision-making by affecting both how rules are interpreted and the sources to which professionals refer when exploring legal problems (Lang 2012; Waibel 2015). In sum, these developments serve to make the field more ‘multi-charged’, as characterised by the simultaneous presence of different objectives, concerns and stakeholders (Knorr Cetina and Reichmann 2016).

It remains unclear how these developments influence education, and this issue needs to be examined (Faulconbridge and Muzio 2009). Although education and professional practice play out in different contexts, they share many of the same knowledge sources, as well as

¹ It should be noted that there are contested views concerning the extent to which recent developments in the field represents a threat to stability and predictability of the legal domain (Waibel 2015). In the current study the following accounts by Waibel (2015) and others is used as a backdrop to explore how the expansion of the knowledge field and its actors is manifested in educational settings and potentially generate challenges for student learning and knowing.

methods and conventions for knowing. Studies of introductory courses in legal education have shown that, during their first year, students are introduced to methodological principles and procedures that guide them in making visible or transparent the linkages between different textual sources of law with various legal authority and legal questions (Mäkitalo 2013; Author and co-authors 2015). Transparency is made possible by how decisions and textual sources build on each other in an infrastructure, and in how jurists are expected to reflect the whole ‘genesis’ of law in legal decision making (Latour 2010). Previous studies of legal education have shown how transparency in the use of legal texts for justification is a core norm for students and professionals alike (Author and co-authors 2017). However, it is unclear how these norms come into play in educational settings and what this entails for students.

One emergent question, then, is how these recent developments in the knowledge field of law challenge ways of learning and knowing in legal education. To further elaborate and address this question, this study focusses in particular on students’ work with assignments in international law and asks: *What learning challenges do the students face when solving cases in international law?*

Perspectives on student learning in fluid epistemic spaces

To explore learning in international law and the challenges students face in this context, a sociomaterial stance to educational practices is chosen as a point of departure. This implies a view of practices as produced and continuously ‘in the making’ through the way social and material elements are enacted and through the web of relations in which these enactments are performed (Fenwick, Edwards, and Sawchuk 2011). Sociomaterial perspectives include a set of approaches with slightly different analytical implications (Fenwick et al. 2011). The perspective used in this study builds on a sociocultural notion of learning in various communities of expertise, but is particularly concerned with materiality (Mäkitalo 2012, Markauskaite and Goodyear 2017). From this perspective, legal texts become important as tools for mediating action (Mäkitalo 2013). Moreover, various professional resources, such as legal texts of differing authoritative status and concepts, questions and procedures used to explore texts, may become linked, forming *knowledge infrastructures* for professionals and students to navigate along (Edwards 2015).

In line with Stevens et al. (2008), the notion of navigation is viewed as a core dimension of professional learning that is closely intertwined with knowledge in a specific field. The navigational imagery is used to draw attention to how students relate to a broader set of sociomaterial and organisational practices in professional education and how students need to pass some thresholds for what counts as professional knowledge (Stevens et al. 2008). From this perspective, students’ navigation can be more or less smooth, depending on the presence of distinctions in displaying what counts as knowledge. Hence, navigation relates to how students make sense of what becomes *their* space for action and draws attention to the resources made available and expectations of student behavior expressed in educational contexts. A question then arises about what navigational challenges students encounter when infrastructures become less stabilised owing to the presence of new communities of interpreters and changing relations between actors and texts.

To get a better understanding of how students navigate more fluid spaces within educational settings, the notion of *epistemic space* is employed as an analytical tool. This notion aligns with Markauskaite and Goodyear’s (2017) work, the point of departure of which is that the capacity to operate with ideas, as part of professional learning, can be understood ‘*by moving*

metaphorically (...) from seeing the organization of human thought as a system with a well-defined structure, or a web of fixed, interconnected nodes, to imagining thinking as building and inhabiting a blended space' (2017, 334). From this perspective, an epistemic space is understood as an *in situ* space, constructed by the ways actors frame problems and draw on authoritative actors and their products, along with concepts, rules for exploration and legitimate problem statements. Constructing such a blended space implies the integration of various knowledge sources in examining specific problems and depends on the kinds of tools, concepts and actors that can mediate actions and how boundaries are drawn to determine what becomes relevant.

It should be noted that fluid epistemic spaces are not spaces without fixed elements. Epistemic spaces may become fluid when various stabilised elements from divergent contexts of origin can be assembled in other contexts or situations. The core idea is that, compared to more stabilised spaces for action, fluid epistemic spaces contain several interpretational possibilities, and they are *more* open in the sense that there is a need to integrate different forms of knowledge and to make sources and concepts actionable. Students' navigation of these spaces is here understood in line with what Markauskaite and Goodyear characterised as *assembling an epistemic environment* for specific tasks, which implies active knowledge work in terms of identifying possibilities for exploration and the use of professional tools to access and develop knowledge in the field. This entails a set of knowledge practices, such as formulating questions, identifying relevant knowledge sources and making sense of those sources, as well as adapting and utilising them to address the problem at hand (Author and co-authors 2015). Simultaneously, navigation is regulated by an institutional discourse (Mäkitalo 2013) requiring justification of what is assembled. Navigation, then, involves learning to distinguish between what is relevant and what is not, or between signal and noise (Knorr Cetina and Reichmann 2015). Adopting this perspective of learning and knowing in fluid epistemic spaces, this study pursues the analytical interest of how professional resources are assembled and enacted in students' problem-solving activities in the evolving field of international law, as well as how specific assemblages and connections made serve to order practice and justify decisions or claims. In so doing, it was important to be aware of how expected actions in educational settings and students' previously learned strategies and capacities to interpret inscriptions in texts create frames for how to delineate a joint space.

Methodology

To explore the research question, we followed teaching and learning challenges in a second-year course in public international law within a 5-year master programme of law at a Norwegian university.

Empirical context and data

In the Norwegian context, law graduates enter into various forms of legal work in public administration and the private sector. During the first year, the students are introduced to working within the context of domestic law. The course is positioned in the second year of the educational programme, at a point where students' understandings of their professional domain are based on their earlier experiences with more transparent legal areas: so it may challenge those understandings.

The one-week course that was analysed employed an inquiry-based educational approach; during that week, students were expected to work on four different case assignments. The

cases were presented as one-page, open-ended narratives, comprising a mix of existing and fictional actors (e.g. state authorities, international organisations, National NGOs, leaders of industrial groups) and sets of disputed actions. These narratives included conflicting events that occurred at specific times in a temporal structure. Students were asked to formulate legal questions ‘inherent’ in the stories, and to use relevant legal sources to explore those questions. The course took place three weeks before the exam and included teacher-led sessions introducing new cases and summarising the process of solving the cases. The process of working on each assignment can be visualised as follows:

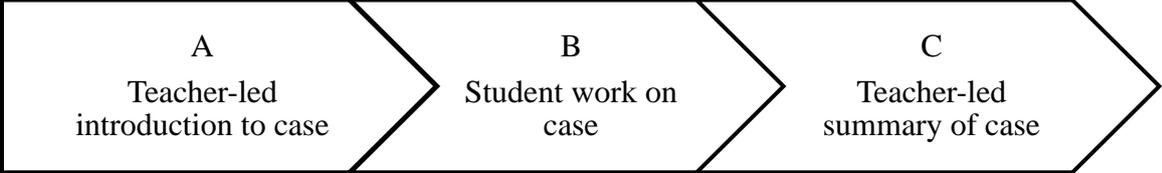


Figure 1. The process of working on the case assignments

The course included five teacher-led seminars, as indicated in Figure 2:

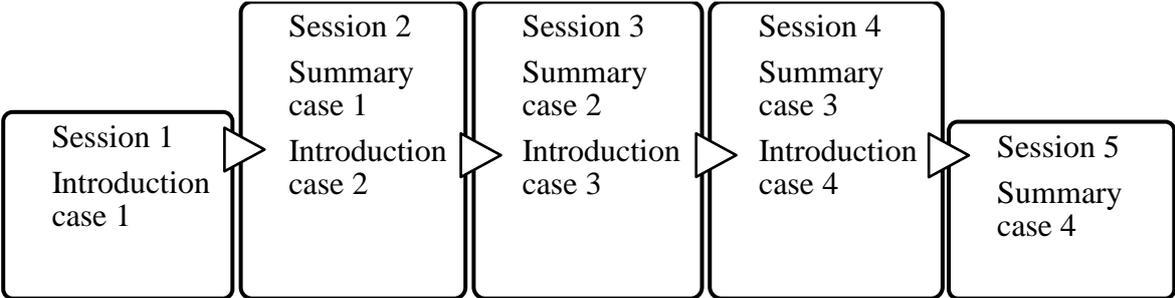


Figure 2. The overall course structure

Between seminars, the students were encouraged to collaborate in groups and were expected to spend a minimum of two hours working through the cases. They had a range of textual resources at their disposal, including a compendium of 300 ‘basic global and regional treaties’, the book of Norwegian Laws, a selection of court decisions for the second year and two textbooks in public international law.

Throughout the week, two teachers’ seminars were followed. The core data consist of interviews and observations of students’ group discussions as they worked on the assignments. Two groups of 4 students, all of a similar age (early twenties), agreed to videotape their discussions. From the tapes it became clear that the groups to some extent were aware of the camera. This was expressed by the fact that one of the groups turned the camera off during small breaks, and as the students occasionally, particularly during heated discussions, asked each other if a statement was “on or off record”. In despite of this the students expressed in the interviews that their discussions essentially reflected their usual way of working together. In the teacher-led meetings, data were collected in the form of field notes and by audiotaping teachers’ instructions and summaries. Four weeks later, shortly after the exam, group interviews were conducted with the student groups, as well as individual interviews with the teachers. The teacher interviews described changes in the knowledge field and identified challenges for both professionals and students in relation to the role of legal texts as knowledge sources, access to sources and norms for exploration and validation of knowledge

in the field. In the group interviews, students provided accounts of their experiences of working with the course cases and their broader experiences of learning in international law.

Table1. Overview of the dataset

	Teacher-led seminars	Student group discussions between teacher-led seminars	Interviews with students	Interviews with teachers	Textual resources
Participants in the study	Two seminar groups (of 15–30 students)	Two student groups (of 4–5 students)	Two student groups	Two teachers	
Type of data	Audiotapes and participant observations of seminar meetings	Videotaped meetings (duration 1–3 hours)	Videotaped group interviews	Audiotaped individual interviews	Teacher’s guide, Case descriptions, Legal sources
Amount of data	Twelve meetings <i>20 hours</i>	Eight meetings <i>18 hours</i>	Two interviews <i>2 hours</i>	Two interviews <i>2.5 hours</i>	

Analytical approach

From a sociomaterial perspective, the group work was viewed as processes where different actors and materials intersect. As legal texts are highlighted as important knowledge sources for both professionals and students, it was considered important to trace these in the students’ work.

To commence the analytical process, the entire dataset was coded thematically (Braun and Clarke 2006). To capture how the students navigated the field, the data were coded in terms of the following broad themes: what sources the students turned to, what kinds of resources were introduced to the work and what status these resources were ascribed in the students’ collaborative work. Based on the initial coding, episodes where the students found it difficult to move forward in their exploratory work was identified. These episodes were subjected to a process analysis that focused on how the students assembled resources and constructed their epistemic space in exploring the cases. The analyses identified three core learning challenges or sources of difficulty: 1) finding ways of identifying relevant legal sources; 2) deciding

which actors or communities of interpreters to trust; and 3) finding ways to delineate the epistemic space in law. In the subsequent analysis, these episodes were explored more in-depth by using the interviews with students and teachers to provide a better understanding of the observations and to elaborate on what the challenges were about.

To provide a better understanding of how these challenges arose in this complex learning environment, two vignettes were constructed. The process of writing up the vignettes implied drawing on the same sources of data, but there was also a need to access some other data sources. Although the same overall pattern was found in both groups, the vignettes were constructed from one student group to ensure ecological validity. The quotes from participants and students' moment-to-moment interactions are transcribed verbatim from the video recordings but condensed a little for the sake of clarity as indicated by (...) in the excerpts included here. To ensure anonymity, students are referred to as S1-S4 and the teachers as T1, T2. Students' group affiliation is marked by A or B. The male pronoun is used where students and teachers are referred to in the third person.

The next section reports the study's main findings. The two vignettes are presented in sequence before core challenges are further analysed. Data from both observations and interviews with students and teachers are used to illustrate the three key challenges.

Findings: emerging challenges in teaching and learning

Vignette 1: A vessel in distress?

In one of the assignments, the students were introduced to the following situation: *A Russian oil tanker ('Petorogigant') is heading east towards Denmark. Outside a small bay ('Lillevik') on the southern part of the Norwegian coast, a small fire occurs in the engine. The fire is difficult to extinguish but is quite quickly brought under control. Meanwhile, the captain receives reports of imminent bad weather. Norwegian authorities refuse the tanker permission to access Lillevik and require that the captain either continues to Copenhagen as originally planned or agrees to be escorted to a less vulnerable area of Norway ('Storevik'), provided that the ship's owner takes responsibility for any related expenses. The captain protests.*

The teachers' guide included a number of legal questions that students were expected to explore, along with legal sources to build on. In this assignment, the first question was framed without reference to any written legal sources [translated from the text].

Question 1: Can Norwegian authorities refuse Petorogigant access to a port in Lillevik?

- *As a starting point, Norway has full freedom to refuse access to its ports.*
- *The question is: Is this a vessel in distress, which would give Petorogigant the right to claim to seek port of refuge?*
- *In this case, one can argue for both positions (i.e. for and against that Petorogigant is a vessel in distress.)*

In working on the case, five students sat around a table in a study room. One student informed the others of details from the teacher's instructions: *Here, the teacher said that 'those who can identify the conditions for distress should be rewarded (...) so the point is that it is unclear'.* After the students had spent some time suggesting questions they

would probably need to explore (and their order), they started to discuss in more depth how the first question should be defined and how to explore it.

1. S2: So, the starting point is that Norway has jurisdiction based on article 2, but then there is a situation of distress here... Or, at least, that is what we can ask. And then the question is: Can Norway just say: 'No, you cannot access port in Lillevik because here we have birds and tourism...' (...)
2. S3: Port of refuge: it's a long time since I've read anything about that. But do we have any court decisions or anything here? Or is it just like... [lifts his hands in the air and shakes his head]
3. S4: Not anything I can think of.
4. S3: Maybe we can find something in the textbook...
5. S4: Well, we aren't really allowed to do that three weeks before the exam, but I guess we have to now. If one of you can check if there is an article in... [points to the collection of treaties while reaching for his textbook]
6. S2: But this is customary law... [looks at S4]
7. S4: [continues to search in the textbook...] Here it is: 'vessel in distress' (...). But it doesn't say anything more than that they can refuse access to port as the main rule, and that there are exceptions for vessels in distress (...5 min). Let's move on. Vessels in distress...[laughs]. And then one typically discusses the facts in the case against conditions for vessels in distress that we do not yet know [looks at S3].
8. S3: So, what does the concept 'distress' mean?
9. S2: When life and health are in danger...
10. S4: Imminent danger, hehe
11. S2: But is the condition that strong? How about environmental considerations? Is that distress? [*The students note that environmental considerations would be in Petorogigant's favour, and that they should terminate this discussion*]
12. S3: (...) So, health and life is in danger ...is this the case here?
13. S4: According to the general conditions for distress (he, he). It's a matter of arbitrary opinions; we are just making assumptions here because he said that it would be difficult to find the conditions. So, I don't think we should spend much time searching for them. We just need to say something.
14. S1: At least the danger is not imminent ehm; the fire was kept under control.
15. S3: Should we vote for and against distress?
16. S4: Yes, let's not spend any more time on the subsumption. Let's vote!

Vignette 2: Responsibility to protect (RTP)—an acknowledged (legal) principle?

The students were introduced to the archipelagic federal state of ‘Ying’ in the federation of ‘Banga’. *The already tense relationship between Ying and Banga came to a head after the newly elected president of Banga adopted a series of laws that allowed the people of Banga to take over the archipelago’s rich farmland. The conflict escalated and reached a breaking point when the implementation of several new ‘initiatives’ led to the systematic killing of 70.000 of the Ying population.* The students were further informed that once the Security Council (by US veto) blocked the possibility of UN action, ‘Imperia’ (a close trading partner of Ying) decided to act by providing Ying with weapons and military equipment and advice.

As the students in group A approached the end of their discussion of Imperia’s involvement in the conflict, they agreed to ask whether these actions could be justified on the basis of a *responsibility to protect* the population of Ying. Two of the students approached this question by stating that ‘*We are outside written law here*’ (S2) and (...) ‘*I don’t think that the Nicaragua case will be of any help here*’ (S1). However, they soon moved on to ask whether, to explore the question further, they should activate criteria for what is considered agreed upon as law. The two students quickly agreed among themselves that they should not enter into such an ‘extensive discussion’: *I think we should avoid that, and do this a bit like half-theoretical. Maybe just write that it (Responsibility to protect, RTP) is disputed (S1).* A third student, who had been silent until this point, entered the discussion and asked *why* they should not treat RTP as customary law; S3 went on: *But, customary law says that when there is genocide then one has to intervene (...).* S1 replied: *No, RTP is not customary, for who has practised that, and for how long?* S3: *Well in Kosovo.* S2: *That’s just one.* S3: *And what they should have done in Rwanda.* S2: *Yes, but ‘should have’ doesn’t count (laughing). You know... ‘close, but no cigar’* (more laughter). Shortly after, S1 added to his argument for not engaging in this discussion: *You have to remember that this is law, not philosophy.* A couple of minutes later, S3 gave in: *I see your point, I mean it’s not like you find this principle in any charters.*

The question of RTP was also raised by other students in the teacher-led session later on. Here the teacher drew a line between progressive and more conservative interpreters of law and characterised his own position as “somewhat conservative”. When Imperia’s actions were discussed in more detail, one student said that she had thought about considering humanitarian intervention in regard to this conflict, but also stated that he didn’t think the teacher believes in that. The teacher replied: *But the question is what you think. Some consider it legal. Great Britain does, and so does Denmark, so it is not that far out anymore. But it is an authorization from the Security Council that is more common and more recognised.*

On the following day, group A met once again in their study room. S3 agreed to provide a summary of the teacher’s comments. S1: *So, what did he say about RTP?* S3 looked at the notes on the laptop: *Yes, he said that it is...* S2: *Disputed?* S3: *Ehm, what did he call it? (...)* a ‘last...’ S1: *‘last resort’?* S3: *Yes, but he also said that ‘it’s just barely that’. And then it was like ‘but you can say whatever you want’* (smiling). S1: *Well there you go again...it’s all about power. If ‘Russia’ decides to say no, it doesn’t matter...(...)* *If one thinks about what just happened in the Crimea, this just shows how pointless public international law is.*

Learning challenge 1: how to identify relevant legal sources

The first core learning challenge identified in the analysis concerned how to decide what is valid in defining and exploring legal questions in this field. The two vignettes illustrate how the students struggled to identify what becomes valid in the absence of written legal sources. In Vignette 1 we saw how although the students were ‘warned’ beforehand by the teacher that they would probably fail to find any clear description of ‘distress’, they began to look for written sources, preferably court decisions—which would have high status in the hierarchy of legal sources in a domestic system—and then for a relevant treaty. Moreover, the students navigated toward what they had already learned: first, by asking for conditions for ‘distress’ in legal texts, and then by activating rules for interpreting words. This illustrates how, after failing to find textual authorities to help them categorise the situation in the case at hand (lines 2–6), and having recognised the lack of additional information in the textbook (line 7), they agreed to end their discussion by voting rather than constructing arguments (lines 15–16).

In the interviews, the teachers emphasised the close relation between legal texts and methodological procedures in the field of law, where, as one teacher stated, ‘*the texts are governing the method*’ (T1). They highlighted how a lack of textual authorities creates more spaces for reasoning, as well as a need to look beyond the predefined structure of legal texts in order to build legal arguments. Both vignettes serve to illustrate how the students struggled to find ways of navigating these increased spaces for reasoning. The students were used to moving along a prestructured system of legal sources in identifying a valid interpretation but found that their previously learned navigational strategies fell short in the absence of textual authorities. In the Law of the Sea case, they tried to use a rule for interpreting words in international treaties but did not enter into a discussion because they lacked any clear written authority on which to build. Moreover, in vignette 2, some of the students tried to construct an argument that RTP is not an acknowledged principle in the field, but they were unsure about what strategies to use in order to make such an argument.

In the interview, the students also talked about how the lack of written authorities allowed them to be more ‘*creative*’ in the process of reasoning, and that ‘*In international law, one may perhaps arrive at conclusions that aren’t that obvious*’ (S2, A). However, the students also expressed a strong expectation to always build on ‘*good sources of law*’, and that without a structure of textual sources to build on, their experience was one of ‘*pulling things out of thin air*’ (S2, A). The students also noted how a legal treaty alone is not sufficient in defining and exploring legal problems, and that, in situations where they had no examples of how a treaty is interpreted, ‘*then it’s just words on paper*’ (S1, A). From the first vignette, we can see how this discomfort was expressed in the students’ work—through bodily gestures when S3 asked for court decisions (line 2), and in the way they defined their practice as ‘*arbitrary opinions*’ (line 13). In the second vignette, the students also gave in when S3 ended the discussion by referring to a lack of textual sources.

The teachers showed awareness of the students’ strong orientation toward written sources of law, but they also expressed tensions and contradictions about what is expected of the students. The following statement from one of the teachers reflects how, although students are expected to engage in an extended space of reasoning, the way the exam is organised does not allow for manoeuvring in such spaces:

T2: I try to remind them (...) that you need to believe in yourself, because you may not always find an answer in what you bring with you. And what do you do then? Should you panic, or should you try to reason? I try to build them up so that they start

to think: ‘*Ok, I have no knowledge about this, but I still know something that can help me*’. This is of course very difficult, and the exam is not the time or place for deep, independent reflection.

The analysis illuminates how, when new spaces arise in a field with fewer authoritative sources to build on, the students encounter uncertainty about what counts as valid. They identify texts that can serve as a tool, but since the connection between such texts are not pre-established in the field, it is difficult to decide what to trust.

Learning challenge 2: how to decide which actors to trust

The students also struggled with how to decide what should become authority when faced with disagreements on what counts as valid in the field. Working within a domestic context during their first year of legal education, the students had encountered different ‘interpretative voices’ among scholars as to how a rule should be understood (Jensen, Nerland, and Enqvist-Jensen 2015). While working on the case assignments, the students were introduced to a range of different interpreters, such as courts, states and international organisations; these actors were represented both in the case assignments and in different legal sources. The analysis confirms that the students found it difficult to deal with controversy and differences of opinion in the field. The second vignette, in particular, captured this challenge, as the teacher told the students about the presence of different communities of interpreters and their role in how the field develops. However, although the teacher highlighted possibilities for adopting different stances in such matters, the foundation for arguments by different interpreters remained implicit in the teacher’s response to the students’ question. The vignette also illustrates how the different stances were not taken up and considered in group A; instead, the teacher’s voice became authority to close the case.

The teachers pointed out how international law is characterised by courts that are characterised by different methods and temporal logics, and that such variety create challenges for defining what counts as agreed upon as a rule of law, and how it is to be understood. In the interviews, the students referred to their struggles in handling a less stabilised and transparent field, with more actors, viewpoints and controversies than the domestic context, as expressed by this student:

There is so much disagreement and controversy both in theory and in politics – about how things are (...) So you ask yourself, should one try to make the controversy transparent in the discussion, or should one move along a more single-track path where you sort of state things. (S3, B)

Later in the interview, as this issue was addressed within a broader context, the students explained the uncertainty about what is expected of a ‘good presentation’ in the exam, and the question of whether or not to engage with controversies and differences in the field was described as ‘a bit of a gamble’.

The analysis illustrates how several knowledge-producing and interpretative actors were brought into the group work. Although both students and teachers emphasised how international law allows for adopting different stances on conflicting matters, the students were uncertain about the professional resources that could be acknowledged as relevant in navigating these increased interpretative spaces. In other words, they were uncertain about

how to agree or disagree in such a space when the relation between concepts, texts and questions were undetermined.

Learning challenge 3: how to delineate the epistemic space in law

In solving the case assignments, the students looked for ways of deciding whether something should be treated as a legal matter or as a task for legal professionals to discuss, and which questions they should not engage in. Both vignettes illustrate how they struggled to make sense of the kind of problem they were faced with. Vignette 1 shows that the students were at first unsure about whether or not to treat questions of ‘distress’ as a matter of arbitrary opinion or as a proper legal discussion; in the absence of textual authorities, they ended up avoiding the discussion. In vignette 2, we see how the students tried different ways of defining questions of RTP as a matter of principle that is outside the law (*‘this is law, not philosophy’*); or the concluding remark from S4: *‘it’s all about power’*).

In the interview, one of the teachers stressed that the lack of law enforcement for violations of international rules challenges students’ existing conceptions of the domain’s essence and causes confusion about what are considered acknowledged legal questions:

T2: We are used to thinking that law is a written rule that someone will enforce if you violate it. But when you take away this aspect of law enforcement, you may have a binding rule, but without any sanctions. I notice that many students struggle a bit with *‘Yes, but what then, what is this here?’* (...) And then they ask questions like: *‘Why is it that Israel can occupy Palestine?’* But jurists cannot provide good answers here because other mechanisms are involved.

Later, the teacher emphasised that to be able to engage properly with legal questions in public international law, the students need knowledge beyond what sources to explore or rules for the interpretation of legal treaties. The teachers emphasised that a lack of textual authorities in international law challenges both professionals and students in searching for what is recognised as agreed upon in current law, and that in exploring legal issues, there might be a need *‘to go and find arguments elsewhere’* (T2). In addition, there is a need to understand the underlying connections and tensions between actors in the field: *‘You need some knowledge about international politics and relations in order to quite “get” public international law’* (T2).

At the same time, the students pointed out that, to create such an overview and to determine what is relevant or not in the field of international law, active work is required in order to make sense of and use resources beyond legal texts. This was supported by statements from the teachers; one in particular was concerned about the textbooks and feared that as a consequence of not including the *‘advanced discussions’* that are part of the history of legal texts, students might form the impression that rules in international law are to be viewed as *‘postulates’*, in contrast to how, as future professionals, they are expected to seek and make transparent the basis for asking legal questions and constructing arguments. The students also pointed out that they struggle to understand relations and mechanisms among actors and stakeholders in the field. One student explained the difficulty of finding ways to draw the line between law and politics, referring to the UN as a policy maker and an important actor (represented in legal Charters²) that is particularly difficult to make sense of in navigating the boundaries of law: *‘The UN is as much political as judicial—if not moreso, in fact. But of*

² In the Ying, Banga and Imperia-case, the Charter of the United Nations was one source that the students used to explore the conflicts.

course, we don't learn much about that here' (S3, B). Another student added: 'But you need a little bit of that understanding to "get" how these things are linked together' (S2, B).

Finally, the teachers highlighted how connections between national statutory provisions and various actors across national borders and court systems create new expectations for professionals, requiring them to find other ways of navigating the field, and how students as future professionals '*need to learn to identify when and how national and international rules intersect and to relate different court decisions in order to identify particular questions*' (T1).

As a whole, the analysis highlights how navigating international law involves identifying opportunities for exploring issues related to drawing boundaries of law, and how students struggle to delineate the epistemic space for the task at hand. In particular, the line between politics and law was considered difficult to draw in the context of public international law, where texts are both outcomes and integral to ongoing negotiations between various actors, and where different stances are often implicitly shared (Waibel 2015). The analysis shows how the students struggled to find professional resources that might help them to distinguish between what is relevant and what is not; they were also unsure how to justify their choices within a legal discourse without speculating or 'crossing over' into other practices. Without an infrastructure to navigate along, this proved demanding for the students.

Discussion and concluding remarks

This paper set out to examine how recent developments in the knowledge field of law challenge ways of learning and knowing in legal education. This overall question was explored in the context of a course in international law, as international law forms part of the knowledge domain that has expanded significantly, with new actors and interpreters, and where questions about how to handle relations in the knowledge field are not yet stabilised. The study focused in particular on students' work on case assignments, asking what learning challenges students face while solving international law cases. In exploring this question, the ways that teachers perceived teaching and learning challenges in this field was also a core interest.

The analyses identified three main challenges that the students encountered in the case assignments. The first of these was how to decide what becomes valid when addressing questions with few or no written legal sources to build on. Second, they experienced difficulties in ascribing authority in a field where various communities of interpreters adopted conflicting stances on the interpretation of legal principles. Finally, the analysis showed that the students found it difficult to distinguish between acknowledged legal problems and matters of arbitrary opinion, or moral or political issues. An in-depth analysis of the data yielded a deeper understanding of the nature of these challenges. The analysis of students' work revealed how they activated previously learned strategies for identifying and exploring legal problems but could not readily apply the same strategies in more fluid epistemic spaces. The students' challenges in exploring the case assignments related to the lack of a stabilised infrastructure of textual sources of law. The procedures for linking questions, texts and concepts that they had learned as a legitimate practice in the field proved insufficient in this more open-ended knowledge field. The challenge for the students, then, was to figure out how to identify and solve problems in these more open knowledge landscapes. The teachers' perceptions of challenges for teaching and learning also revealed tensions in navigating between stabilised and more fluid spaces within international law. Indeed, these challenges remained unresolved for the students taking the course.

By adopting a sociomaterial perspective on knowing and learning, this study illuminates how heavily these students relied on written sources to access and develop knowledge in the field. As documented in earlier studies of legal education, first-year students learn a stepwise procedure for investigating various sources of law, as well as how concepts and texts are intertwined with the kinds of legal questions that need to be constructed (author and co-authors 2015, Mäkitalo 2013). The present study also highlighted the important role of legal texts as mediating tools and their close relation to methodological issues. The analysis showed that the students had become accustomed to navigating a knowledge infrastructure of defined relations between texts and procedures to establish what counts as an acknowledged interpretation of a rule of law—that is, to establish the ‘right reading’ of statutes. However, in situations where they could not activate any such infrastructure, the students were challenged by a lack of norms for *how* to specify what to explore and how to justify stances in relation to legal problems. The students’ work ground to a halt, as it was unclear to them what sources could be justified to build on in order to take a stance on issues that invited conflicting interpretations. In essence, the difficulties observed here can also be understood as methodological challenges in navigating a field where relations between actors and texts are less established, and the rules for deciding what counts remain in flux (Waibel 2015, Boe 2012).

In these more fluid epistemic spaces, we saw that the students needed to actively find and select acknowledged legal sources to build on and explore, as well as to justify which resources they needed. These ways of navigating the knowledge field are examples of what Markauskaite and Goodyear (2017) characterised as a need to assemble one’s own epistemic environments and to justify such assembling of various resources. We are currently seeing increased attention to the more creative and exploratory aspects of professional work as part of professional learning and practice in expanding and evolving knowledge fields (e.g. Lehtinen et al. 2014; Markauskaite and Goodyear 2017). However, what this means in the different professions needs to be examined in its specificity. The present study showed how the students needed to make sense of problems and questions in deciding on avenues for exploration. To do so, they activated rules for interpreting written texts (treaties) as a resource to make sense of core concepts in situations where *‘they do not have the sources to tell them that’*. Learning by assembling an epistemic environment also implies making decisions about whether or not there is a need to introduce ‘other sources’ either to elaborate on their current interpretation of legal concepts (for instance, to decide whether a concept needs to be *‘interpreted in an expansive way’*, as one of the teachers expressed it) or to open it up for exploration by identifying possible questions. Finally, the analysis showed that making sense of problems and questions and deciding on avenues for exploration meant justifying how to delineate boundaries for legal work, and that in order to do so, assembling a knowledge environment also means going beyond legal texts, drawing on underlying justifications and tensions as part of the history of those texts.

By focusing on navigation as a core aspect of professional learning intertwined with accountable knowledge in course settings, this analysis also reveals tensions in the educational context and conflicting expectations about good student practice. While students and teachers perceive the navigation of international law to require a broader overview of the field as it develops, the underlying justifications and tensions remain somewhat implicit in the educational context, including textbooks as knowledge resources. The implicit relations between the more stabilised and the more open-ended aspects of the knowledge field made it more difficult for students to make their arguments transparent. Moreover, navigating by assembling resources and justifying problems and avenues for exploring the boundaries of law proved demanding for students when faced with established assessment practices that

emphasise the quick activation of relevant texts and questions in solving case assignments. Others (e.g. Carey and Mitchell 2014) have expressed a worry that international law remains in a vacuum in higher education, and consequently, there is the risk that students develop simplified conceptions about international law and its significance for how the profession is developing.

A crucial question, then, is how students can be supported in navigating fluid epistemic spaces. The findings from this study highlight the need to focus on assessment practices in professional education in terms of assignments and assessment criteria, and to develop practices that align with changing expectations in the field. It is vital to design tasks where students are provided sufficient time and opportunity to engage in more extended spaces of reasoning. The findings also underscore the importance of enabling student access to knowledge resources that provide an overview of how knowledge fields develop. This may imply using variegated resources that can help students make visible core actors, movements, tensions and relations in their respective field. This analysis also confirms the need to provide opportunities for guidance and discussion regarding students' current understanding of what constitutes a relevant problem. Dialogues about students' more basic and core questions and concerns are particularly crucial in complex and evolving fields, which seem to challenge students' capacity to discern relevancy when solving problems. This article has shown how these challenges emerge in legal education; more research is needed on student knowing and learning in law and other professions, focusing on higher education students' sensemaking in fluid epistemic spaces and how education can support them in this regard.

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