

Somerville Law Induction Course 2020: Session 3

Study Skills and Essay Writing

Part B

How to succeed in writing essays?: a few suggestions and guidelines.

As you start writing essays at university, try to remember that there is no uniquely correct formula for writing a successful essay, article or examination in any subject. Our main aim is to help you to find your own style and your own best way of writing essays. Even as regards a single question which you might face, there may be many different ways of tackling and answering it well. This should be a comfort to you in preparing to write essays. In a sense, you can take a question and make it your own/use it to discuss what you think is important. That said, however, it is possible to suggest some general guidelines which you should keep in mind as you try to write essays, or go about your revision, and as you prepare later on to take examinations.

(1) Always read carefully and answer the specific, exact question which has been set.

This piece of advice is given so often as to have become one of the great academic clichés of all time. Despite this, however, the advice is often not followed to the extent it should be. In some of the essays which you will write this year, perhaps especially in Constitutional Law, the questions often allow quite a lot of leeway in approach as they are framed quite broadly. This does not mean, however, that you should ever behave as though a question said: “write all you know about.....the Human Rights Act/Parliamentary Sovereignty” etc.. The questions you will tackle for tutorial essays and in Law Moderations (Mods) examinations will be asking something more specific than that, and will come from a particular angle, and the examiner or tutor setting the question will have chosen the exact words of the question carefully. You must pay close attention to, and answer with precise reference to, the specific way the question is set, rather than write generally on the topic. Keep going back to the essay question you have been set as you do your reading, and also when you write the essay, and be sure that you are explaining to your reader how what you have said answers that specific question.

(2) Define the parameters of that which you are going to address in the question and impose a clear structure on the material you are discussing.

As well as demonstrating knowledge in an exam answer, essay, or indeed any piece of academic writing, it is important to convince the reader that you are in control of your own presentation of your arguments and that you have a clear structure in mind. Be your own editor, and tell your reader what you are doing. Perhaps you feel that the 2nd Week essay would make a great topic for a doctoral dissertation. Unfortunately, however, you have just one week to do something interesting with it. Editorial choices have to be made regarding what to focus on and what not to focus on. It is better to state your specific goals for this essay at the beginning of it, and then try to live up to those stated goals, rather than scattering the essay with as much as you can possibly say on the topic. Try to make the reader feel as though they are in “safe hands”: that you have a clear structure and way of approaching the topic in mind, and that you know where you are going with the discussion, and are in control of the presentation of what s/he is reading. It is your responsibility to, as it were, take the reader by the hand, take him or her down the path which **you** have decided is important in answering the question, and deliver him or her out of the other side having a good idea of what your argument was, and what it is s/he is supposed to be convinced of. You should make sure you adequately “**signpost**” **along the way**, telling the reader what has been discussed and why, what you are moving on to now, and how all of this contributes to answering the specific question set. You may not always have to be entirely explicit about this signposting. But someone reading your work should **not** feel “at sea”/as if they have been abandoned, and with no clue as to why you are throwing various bits of information at them in the order which you are. You must give the reader the feeling

that they know where they are and why in the argument at any given time. A good tip is to try to re-read your own essays as if you are coming to them for the first time. Is what you are saying, and the order in which you are saying it, clear? If not, you need to revise the essay until it is clear.

(3) Make an argument, have a thesis.

When we read academic articles, books, or even journalistic articles, we hope that the author has a reason for telling us what s/he does, and that s/he does so in a way designed to convince us of the truth, relevance, and importance of the points he makes. Your written work should exhibit these features too. It is important to think of yourself as trying to **convince your reader of something**, and to have a **main point, or argument, or thesis, to an essay**. Ask yourself: what is my overall point here? What am I trying to convince my readers of? By the end of the essay, you should at least have given the reader some interesting food for thought, and the reader should be in no doubt as to where you stand on the issues. Try to take a stance on issues, and reach conclusions regarding them. It is fine, indeed valuable, to present balanced arguments with pros and cons on each side. But, having done so, try to reach a position of your own on it, even when this is difficult. You must try to develop **your own views** on material you read as early as possible. If you also try to focus on why it is **important** that, for example, many rules of the UK Constitution are conventional rather than legal in form, or on what is **important** about the effect that devolution, the Human Rights Act, and the European Union, have on the idea of Parliamentary Sovereignty, then you will be more successful in focusing upon deeper rather than more trivial points and issues. **Always ask yourself: what is important about this issue?** Why do we have good reason to care about or be concerned about it? If you write with these questions in mind, you will present more interesting arguments. The reader should have no doubts by the end of the essay what your particular argument, your thesis, is.

(4) Exposition and analysis/criticism are BOTH essential.

In examining any issue, we must of course lay out accurately the points or the issue to be discussed, and the state of the law which is relevant to that issue or else there is no foundation upon which to build our arguments, and our readers will be left baffled as to what on earth we are trying to discuss. This being so, there must be a layer of exposition, of laying out issues and legal materials, and describing the current state of things, which form the basis for the analysis and criticism of the arguments we wish to take to our readers. Exposition/description alone, however, no matter how accurate or comprehensive, is **not** enough to do well in university essays. It is also vitally important to analyse views and/or criticise them: to tell us why a certain state of affairs is right, or wrong, troubling or satisfactory, interesting or irrelevant, important or trivial, and to build our observations into a coherent argument which, once again, gives the reader serious food for thought and a thesis, an argument. e.g. the **fact** that the courts took a significant step towards greater reviewability of prerogative powers in the GCHQ case/a description of that decision is important to us, but only at a very basic level. What we really want to know and talk about is: why does the decision in the case matter? What are the implications for the separation of powers, for checks and balances, and for judicial control of the executive? Was it a good decision, and does it help constitutional law in the UK to better fulfil its function? (What is that function?) What criticisms of the case, and its consequences, might we want to make? Did it go far enough? Have more recent developments continued the trend that it set? The interesting discussion, and the higher marks, are to be found in these latter kinds of questions which offer a **critical analysis** of the issues involved. So far as critical analysis goes, it is interesting for the reader to learn both about **your** views on the matter, in light of your having read and thought about it, and the views of other commentators in the field, from articles or books which you have read, and your view on other commentators' views. You can use other commentators/articles you have read to provide a way into the analysis, e.g. "However, as X commentator argues, the post-GCHQ case law can be criticised on a number of grounds:...." etc."...I agree with the following aspects of this criticism...however in my view, some commentators overlook the following vital point..."etc

(5) The importance of evidence, and of backing up claims.

A lawyer making an argument in court would never make claims about the state of the law or the rights of his/her client without backing these up with the appropriate evidence, in the form of citing the relevant cases, legislation, legal principles, arguments etc. There is a similar duty incumbent upon us in academic writing. It is very important to remember that if we make a claim, we **must** be able to back it up with argument and discussion which will convince the reader of the wisdom and truth of our insights. Assume an attitude of healthy scepticism on the part of anyone reading your work. It is not enough just to state what you believe to be true and bring things to a full-stop; you have to **convince** the reader, **argue**, and the onus, or the explanatory burden of proof is entirely on **you** to do so. Try to ask yourself: **Why should they believe me? Have I done enough to convince them?** Remember, too, that the stronger or more conclusive your claims, the greater evidence and argument you might need to convince your reader. Sometimes, just one or two extra sentences of argument, or an example to back up your point, can go a long way.

(6) Plagiarism.

Plagiarism is the attempt - whether consciously or inadvertently - to pass off the words or work of another person as your own work. It can often happen inadvertently, without deliberate intent to plagiarise. So, if in taking notes from a textbook or article, you end up copying out some passages, either word for word, or in close paraphrase (this is in any case **not** a good note-taking style, as we will discuss....) and then those passages are used in your essay without quoting or attributing them to the person who actually first wrote them, then this is plagiarism, because the essay has your name on it, and you are claiming it is your work, when actually some of the words are Prof. Paul Craig's (for example). In order to avoid plagiarism, **you must express things in your own words at all times.** This applies both re. taking notes – do NOT copy word for word from textbooks or articles, think about how YOU would put the same point and rephrase it, and take notes of your questions, puzzles and responses to things you read – and it applies in essays and examinations. Serious consequences can follow if the university discovers plagiarism, and even at this early stage in your work, if we find words in essays which are not your own we will point this out to you in the strongest terms – to help you, and with your interests uppermost in mind. Most importantly, remember that, in any case, it is **YOUR words, and YOUR views, we are interested in**, and our job is to **help you develop, argue for, sustain, and defend your own views, not someone else's views.** Write in your own words 100% at all times. If for some reason you want to use the exact words that someone said, including a court or judge, you must put those words in quotation marks.,

(7) DON'T PANIC

This is all a learning process, and you learn by doing, and sometimes, by making mistakes. If everyone could write a perfect essay in the first week, there would not be much point in you coming to university! Feedback in tutorials and on essays is there to guide you, and to help you to help yourself/improve your own learning for yourself. In this sense, all feedback is positive, even when it makes some suggestions or criticisms regarding your work. We are here to help you help yourselves, and to guide, assist and encourage you in your learning, to ensure you fulfil your potential and reach your goals. But the onus has to come from you, both in terms of motivating yourself to work hard, and in terms of taking responsibility for your own learning, trying to improve your work for yourself when you receive constructive criticism on it etc. If you are ever in doubt about what a tutor wants you to do, or what they mean in making certain comments, just ask, this makes things easier for everyone. Sometimes the best students are those who are willing to experiment with different ways of learning and writing essays – even if things do not go perfectly first time, they receive invaluable feedback which helps improve their learning.