

Somerville Law Induction Course 2020: Session 3

Study Skills and Essay Writing

Part D - Sample marked essay 1 (tutor's comments in BOLD CAPS)

What role, if any, should law play in helping people to live good lives?

Most legal philosophers agree that the law plays an important role in guiding society and the community. In fact, I think that Finnis put it aptly when he opined that the law's function is to resolve the 'co-ordination problems' which inevitably arise as people realise the basic goods in their lives. This essay, however, will explore how and the extent to which the law operates to 'co-ordinate' our lives to provide each individual with a 'good' existence. The two presumptions presented on the opposing ends of the spectrum, are that the law should intervene and take a big role in helping people to live good lives (a policy dubbed as 'the nanny state'), or that the law should have minimal interference with the lives of its subjects (sometimes referred to as 'the night-watchman state'). Whilst judicial comment today indicates that there is to be some limit on the law's interference, the Devlin-Hart debate still appears to be very much alive on the issue of where the exact line between the law's business and private **[WHAT DOES "PRIVATE" MEAN IN THIS CONTEXT, IN YOUR VIEW? IS IT TO DO WITH WHAT GOES ON BEHIND CLOSED DOORS? OR IS THAT NOT THE SENSE OF PRIVATE YOU MEAN HERE?]** morality is drawn. Furthermore, it will be submitted that Raz's views and re-interpretation of the harm principle are appealing, as it offers a practically viable theoretical viewpoint and challenges our conception of what it means to live a 'good' life. **[GOOD CLEAR START WITH A NICE INTRODUCTION WHICH INTRODUCES THE TOPIC, AND LAYS OUT ASPECTS OF WHAT YOU WILL EXAMINE, AND OF YOUR VIEWS ON THE ESSAY TITLE. BUT NB YOU MIGHT WANT TO DRAW YOUR READERS IN WITH SOME MORE CONTEMPORARY EXAMPLES AS THE WOLFENDEN REPORT WAS IN 1957...WHICH ISSUES IN YOUR VIEW ARE THE 'HOT TOPICS' OF TODAY AS REGARDS WHETHER, AND TO WHAT EXTENT, THE GOVERNMENT SHOULD HELP US LIVE GOOD LIVES? TRY TO THINK OF SOME FROM CONTEMPORARY SOCIETY WHICH INTEREST YOU AND WHICH WOULD HELP YOUR READERS TO SEE THE IMPORTANCE OF THIS TOPIC]**

Firstly, the theory of Lord Devlin will be set out, and this will be followed by detailed analysis and criticism of the credibility of his theory in explaining the role the law should play. **[NICE STRUCTURE HERE]** Lord Devlin's views about the legal enforcement of morality are more inclined to the premise that the law should play a big part in directing the moral obligations of its citizens, since for him, 'a society is inextricably linked to its morality'. Devlin believes in the enforcement of 'shared morals' on the basis that a society is formed partly on the moral attitudes of its people – such communal feelings often arise from the traditional religion which provides a moral code. For example, this is evidenced in the country of Dubai; their ban on the consumption of alcoholic drinks is influenced from Islam, a religion practiced by the overwhelming majority, making it easy and perhaps more natural for such a moral standard to be infused into the law. **[WELL EXPLAINED AND GOOD USE OF EXAMPLE HERE]** On the other hand, Devlin understands that a state that leaves religion to the private conscience cannot enforce religious beliefs on the basis of that religion. Perhaps an example of a failure to do this is portrayed in the Prohibition period in 1920s America. The ban on alcohol was based on a Christian movement, however, firstly not everybody in the USA was Christian at the time, and secondly, Christianity has many denominations which do not prohibit drinking. Such fractures within the community were the reason for why the law's enforcement of a moral standard failed to endure.

The difference in the populous' acceptance of a legal moral standard **[WHAT EXACTLY DO YOU MEAN BY A "LEGAL MORAL STANDARD"? CAN YOU GIVE AN EXAMPLE OR DEFINE WHAT YOU MEAN A BIT MORE CLEARLY FOR YOUR READERS?]** is in accordance with Devlin's belief that morality is relative **[RELATIVE TO...?IE RELATIVE TO WHAT/WHOM?]**. He believes that in order to determine the moral standard of a particular community, one is to consider the views of 'the juryman' or the 'man on the Clapham omnibus'. It is for this reason that in the late 1950s

Devlin commented that there was enough intolerance, indignation and disgust to justify the criminal law prohibition against homosexual behaviour between consenting adults. **[WELL EXPLAINED AS REGARDS DEVLIN'S VIEW. IN YOUR VIEW, IS IT APPROPRIATE TO BASE MORAL VIEWS, AND /OR TO BASE LEGAL REGULATION, ON "FEELINGS" OF "DISGUST" ETC?]**

Devlin believes that the effect of not enforcing the shared moral standard of the society is that the society itself would be lost: 'history shows the loosening of moral bonds is often the first stage of disintegration'. Whilst this is clearly true in that lack of morality in the law can cause wickedness such as exploitation and corruption, **[CAN YOU GIVE AN EXAMPLE OF THIS? NB AS WELL, THOUGH: IS THIS PRECISELY WHAT DEVLIN IS TALKING? HE DISCUSSES SOCIETIES DISINTEGRATING IF THEY DO NOT SHARE COMMON VALUES AND USE LAW TO REINFORCE THESE SHARED VALUES. IS THIS TRUE OF THE SOCIETY WE LIVE IN TODAY? DO WE ALL NEED TO SHARE VALUES AND REINFORCE THEM THROUGH LAW OTHERWISE WE DISINTEGRATE? PERHAPS DIVERSITY OF VIEWS AND DIFFERENCES ARE ALSO VALUABLE? CAN YOU THINK OF EXAMPLES?]** I think that Devlin is presenting a false depiction of the argument at hand. It is universally agreed that basic moral standards should be upheld, for example legislation prohibiting murder, rape etc, but that is not to say that society will begin to disintegrate if all issues regarded as moral were not to be enforced. **[GOOD, WELL DONE, GOOD TO GIVE MORE OF YOUR OWN VIEW HERE]** I believe that there is a sliding scale of morality, some acts are considered to be **[BY WHOM?]** clearly immoral (e.g. murder), whilst others may be considered immoral by some but tend to be tolerated (e.g. promiscuity). **[I AM NOT CLEAR HERE TO WHAT EXTENT YOU ARE CRITICISING AND DISAGREEING WITH DEVLIN'S VIEW. TRY TO WRITE CRISPLY AND CLEARLY AND SAY WHERE YOU STAND AND WHAT YOU BELIEVE, IN RELATION TO THE VIEWS OF THE OTHER THEORIES YOU DISCUSS]**

It seems that this view **[WHICH VIEW? YOUR VIEW? YOU NEED TO BE CLEARER HERE ABOUT WHAT YOU ARE ARGUING FOR]** is closely in line with Mill's harm principle. According to Mill's theory in 'On Liberty', the harm principle establishes that 'the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant'. Thus the core policy of the harm principle is that the law should only interfere in people's lives where their actions cause harm to others. **[GOOD, VERY CLEARLY AND WELL EXPLAINED]** A look at the general areas of jurisdiction for the various aspects of law – criminal, tort, contract – show that they are all concerned about the physical (or fiscal) harm suffered by the other party. It is deduced that from Mill's reasoning, cases where the individual has caused harm to themselves and only themselves are not within the realm of the law **[IS THIS ALWAYS TRUE THOUGH? CAN YOU THINK OF ANY CURRENT LAW WHERE IT SEEMS THERE IS INTERVENTION – REGULATION OR A BAN FOR EXAMPLE –OF THINGS OR ACTIVITIES WHEREIN ADULTS ONLY HARM THEMSELVES?]** but are a matter of one's own personal moral beliefs. Thus, it could be said that Mill considers the prevention of harming others as the most basic and crucial of moral standards to be upheld by the law. **[YES, GOOD. TRY TO PUSH YOUR THINKING A LITTLE FURTHER HERE THOUGH. IN YOUR VIEW, WHY DOES MILL ENDORSE THE HARM PRINCIPLE? WHAT JUSTIFIES IT FOR HIM? WHY IS IT SUCH A GOOD IDEA TO GRANT PEOPLE THIS PROTECTED DOMAIN OF LIBERTY WHERE, SO LONG AS THEY DO NOT HARM OTHERS, THEY MAY DO WHAT THEY LIKE? YOU COULD PUSH YOUR ANALYSIS FURTHER HERE BY ASKING AND TRYING TO ANSWER QUESTIONS SUCH AS THESE. ALSO CONSIDER WHETHER, IN YOUR VIEW, THERE ARE PROBLEMS WITH USING THE HARM PRINCIPLE AS THE DIVIDING LINE BETWEEN WHERE LAW MAY LEGITIMATELY INTRUDE AND WHERE IT MAY NOT? WHAT MIGHT THESE PROBLEMS BE? TRY TO GET AS MUCH IN DEPTH ANALYSIS – NOT JUST DESCRIPTION – INTO YOUR ESSAYS AS POSSIBLE]**

Hart sides with Mill and his harm principle, and embarks on a series of rebuttal highlighting the apparent flaws in Devlin's argument. Bix criticises the exchange between Devlin and Hart, describing it as unhelpful in that it is too heavily centred on Lord Devlin's idiosyncratic position, nevertheless, I feel that from the

debate, an interesting format **[WHAT DO YOU MEAN BY AN INTERESTING *FORMAT*? THINK CAREFULLY ABOUT WORD SELECTION AND CHOICES AND BE SURE TO BE PRECISE AND CHOOSE A WORD TO MEAN EXACTLY WHAT YOU WANT IT TO MEAN]** can be drawn as to the ideal role the law should play to help us to live a good life.**[NB ALSO THIS IS VERY DESCRIPTIVE. WHAT ABOUT *YOUR VIEW* ? WE ARE INTERESTED IN HEARING WHAT YOU, THE AUTHOR OF THIS ESSAY THINKS, WHERE YOU STAND – TRY TO PUSH FURTHER IN DEVELOPING YOUR OWN VIEWS.]**

The Wolfenden Report, 1957 stated that ‘...there must remain a realm or private morality and immorality which is, in brief and crude terms, not the law’s business. To say this is not to condone or encourage private immorality’. This is an interesting comment, **[OK, YES, THAT IS TRUE... BUT HOW DOES THIS RELATE TO WHAT WENT BEFORE? YOU SEEM TO MOVE HERE TO ANOTHER ISSUE WITHOUT TELLING THE READER WHY. ESSAYS SHOULD FLOW, BE WELL LINKED ONE PARAGRAPH TO ANOTHER, AND EVERYTHING ON THE PAGE SHOULD RELATE BACK TO THE EXACT WORDS OF THE QUESTION SET. TRY TO PLAN ESSAYS IN ADVANCE WITH A GOOD CLEAR NARRATIVE STRUCTURE. TELL YOUR READERS ALONG THE WAY WHAT YOU ARE DOING, EG “HAVING DISCUSSED X AND COME TO Y CONCLUSION, IT IS IMPORTANT TO PUSH FURTHER WITH THIS ISSUE AND ALSO CONSIDER Z”]** and one that really goes to the heart of the question of what role the law should play in our lives. If it is said that it is not the ‘law’s business’ to determine matters of morality such as bigamy, and so bigamy is consequently legalised, will this be implicitly adding validity to the act as a (lesser) form of encouragement to engaging in bigamous relations? Such questions are also manifest in more topical issues, such as whether allowing the BNP to speak on the BBC’s Question Time **[WAS THIS “HARMFUL” IN YOUR VIEW? CAN SPEECH, RATHER THAN PHYSICAL ACTION, CAUSE THE KIND OF HARM WE SHOULD WANT TO LEGALLY REGULATE? NICE USE OF CONTEMPORARY EXAMPLE HERE – GOOD]** had the consequence of accepting and condoning the policies of the party. I am inclined to believe that there is a distinction in meaning between accepting the validity of something and encouraging or condoning an action. Unlike Devlin, Mill would be in favour of accepting the validity of something (like bigamy) by legalising it as he believes in ‘ethical confrontation’. This entails having an open discussion on alternative moral views to enable moral progress; this is supported by Hart and other critical moralists also. Perhaps **[YOU NEED TO BE A BIT MORE DEFINITE THAN THIS AND REALLY ARGUE FOR YOUR OWN VIEW. THE DESCRIPTION OF OTHERS VIEWS IS NECESSARY BUT SHOULD BE ACCURATE BUT SUCCINCT. THEN MOST OF THE TIME SHOULD BE SPENT ARGUING FOR YOUR OWN VIEW, YOUR OWN THESIS, YOUR ANALYSIS]** through such ‘confrontation’ **[CAN YOU GIVE AN EXAMPLE OF THIS HAPPENING AND WORKING WELL IN SOCIETY TODAY?]** the most virtuous and truthful answer can be sought which can be applied by the law to enable people to live good lives.

Another criticism Hart makes about Devlin’s theory **[YES BUT HOW DOES THIS RELATE TO *YOUR VIEW ON THE EXACT QUESTION SET*?]** is based on the possibility of change in social morality. Devlin recognises shifts in morality in terms of greater or lesser tolerance by the people on certain issues. In juxtaposition, Hart views a change in social morality as following a new rule entirely, for example slavery in the USA is an illustration of how moral standards can radically change. Nevertheless, I do think that Devlin’s argument has a strong point. It is perhaps too hasty to say that ‘a new rule’ has been created regarding homosexuality; a person may quite simply think that homosexuality should not be criminalised but still think that it is immoral. **[HAVEN’T SOCIETY’S MORAL VIEWS CHANGED MORE THAN THIS, THOUGH? DON’T MANY PEOPLE NOW THINK THAT IT IS THE QUALITY OF THE RELATIONSHIP THAT IS IMPORTANT, NOT THE GENDER OF THE PERSON IT IS WITH? DOES DEVLIN’S VIEW ALLOW FOR THAT SORT OF CHANGE IN SOCIETAL BELIEFS?]** This is not to say that their moral standards have changed *per se*, just that their tolerance levels have increased.

Hart embraces the theory of ‘paternalism’ despite broadly being a supporter of Mill. **[AGAIN, YOU NEED MORE OF A THESIS OF YOUR OWN, NOT JUST DESCRIPTION. ALSO TRY TO RELATE EVERYTHING BACK TO THE EXACT WORDS OF THE QUESTION SET AND TO YOUR OWN VIEWS ON THAT QUESTION. THIS WILL HELP WITH RELEVANCE**

AND STRUCTURE. YOU SHOULD ONLY WRITE ABOUT THINGS THAT (1) ARE RELEVANT TO THE EXACT QUESTION SET, AND (2) HELP YOU ESTABLISH YOUR OWN THESIS ON AND ANSWER TO THE EXACT QUESTION SET] Mill believed that the harm caused must be ‘distinct and assignable’, and so if applied to the case of *R v Brown* he would argue that the ‘immoral’ sadomasochist acts of the defendants, on the facts that they were all consenting adults and did not harm anyone outside their circle, should not be legally reprimanded. Hart conversely thinks that we should protect people from doing harm to themselves and so would explain the decision of *Brown* on this basis. It is argued that the problem with Mill’s harm principle is that there are very few acts which are self-regarding; ‘every man has the ability to affect others so that if he acts immorally society itself is under attack’ (Devlin). Although in *Brown*, the defendants did not harm the taxpayer through NHS costs¹, could it be said that they caused harm to the person who came across the video of the sadomasochist acts? **[WELL, COULD IT? THIS IS A VERY GOOD QUESTION TO RAISE. BUT YOU NEED TO TAKE A MUCH MORE DEFINITIVE VIEW OF YOUR OWN, AND ARGUE IT ALL THE WAY THROUGH AND TRY TO OFFER MORE ANSWERS TO THE QUESTIONS YOU RAISE]** Devlin argues that there is such a thing as moral paternalism where harm can be suffered in the form of public revulsion in hearing about the act. As argued earlier, however, the law’s role should not be extended to mirror the highly volatile and often prejudiced moral standards of the public. **[THIS IS BETTER BUT YOU NEED MUCH MORE OF IT. WHAT DOES THIS IMPLY ABOUT YOUR POSITION? THAT WE SHOULD NEVER BASE LAW ON THE PUBLIC’S “UN-REFLECTED UPON” GUT REACTIONS? WHAT ABOUT MORE CONSIDERED SETTLED VIEWS OF THE PUBLIC? CAN AND SHOULD WE USE THOSE IN SHAPING THE LAW? TRY TO DEVELOP THIS POINT FURTHER]**

Raz forms **[IS THIS THE BEST WAY TO PUT IT? WHY NOT “RAZ ESPOUSES..” OR “RAZ ARGUES IN FAVOUR OF..”?**] an interesting and persuasive theory on the role of law, combining both Mill’s and Devlin’s neutralist and perfectionist thoughts. **[? I AM NOT SURE WHAT THIS MEANS EXACTLY. COULD YOU DEFINE NEUTRALIST AND PERFECTIONIST IN THE WAY YOU ARE USING THEM HERE? NB IF WE ASKED RAZ HIS VIEW I THINK HE WOULD SAY HE DOESN’T COMBINE NEUTRALISM AND PERFECTIONISM. HE WOULD SOLIDLY SAY THAT HE IS A PERFECTIONIST POLITICAL THEORIST (WHAT DOES THIS MEAN, IN YOUR VIEW?) THROUGH AND THROUGH, BUT THAT PERFECTIONISM HAS PERHAPS NOT BEEN UNDERSTOOD AS SUBTLY AS IT OUGHT TO HAVE BEEN]** Raz takes the belief that the government should promote morality whilst reconciling it with the harm principle. The harm principle is therefore re-interpreted to mean that governments have a prima facie obligation to help people live good lives, but coercive enforcement of this can only be used to prevent harm to others or to themselves, and so part of the role played by government is non-coercive governmental intervention. **[EXCELLENT THIS IS MUCH MORE CLEARLY EXPLAINED. COULD YOU BACK IT UP WITH SOME EXAMPLES OF NON-COERCIVE GOVERNMENTAL INTERVENTION?]** This theory is persuasive as it allows people to live autonomous lives but still under the guidance of the law; the law provides the individual with the mental ability, an adequate range of options, and freedom from coercion.

Why should the law seek to guide citizens to live a good life? For Raz, the law has a duty to help individuals or else it is causing them harm. **[YES AND FOR RAZ IT IS PRECISELY THE FUNCTION OF GOVT TO HELP PEOPLE TO LIVE WELL. DO YOU AGREE WITH THIS AS THE FUNCTION OF LAW?]** The duty arises as part of the aspiration to maintain the common good; whilst the common good can be achieved on the basis of the net majority **[WHAT DO YOU MEAN BY THE “NET MAJORITY”?**] living a good life, for the common good to reach its optimum, every individual should live a ‘good’ life. In this sense, Raz is a perfectionist. It is necessary to interpret ‘good’ in the general sense, however, and so it does not include the intricacies of one’s life like self-fulfilment and personal ambitions. **[THIS ISN’T QUITE RIGHT I AM AFRAID.. IT DOES INCLUDE JUST THESE THINGS FOR RAZ! A GOOD LIFE ACCORDING TO RAZ IS ONE SPENT IN THE PURSUIT OF VALUABLE ACTIVITIES AND RELATIONSHIPS WHICH IS SELF AUTHORED/AUTONOMOUSLY CHOSEN. WHY CAN’T VALUABLE RELATIONSHIPS AND PURSUITS GIVE ONE SELF FULFILLMENT? AND MANY VALUABLE ACTIVITIES,**

¹ As is the common argument used to explain how the case conforms to the harm principle

LIKE A SATISFYING CAREER, DO FULFIL PERSONAL AMBITIONS. SO I AM NOT SURE WHAT YOU MEAN HERE OR WHY YOU ASCRIBE THIS VIEW TO RAZ...]

I strongly support Raz's notion that whilst the law should endeavour to help people live good lives this should not be through coercive means in every instance. It is immoral in itself to enforce all moral obligations, as morality entails a sense of liberty. **[WHY? WHY DOES MORALITY ENTAIL A SENSE OF LIBERTY? AND WHAT EXACT SENSE OF LIBERTY DOES IT ENTAIL? THIS IS MUCH BETTER IN THAT YOU ARE STARTING TO GIVE YOUR OWN VIEW. BUT YOU NEED TO EXPLAIN POINTS YOU MAKE IN MORE DEPTH, AND TO MAKE ROOM FOR SUCH EXPLANATION BY GETTING THROUGH THE DESCRIPTION, THE EXPOSITION, QUICKER]** A scenario in which the dividing line between coercive enforcement and non-coercive enforcement may prove difficult to place is a case of omission. For example, take the current law surrounding omissions; unless a duty is owed there is no obligation to save a drowning child from shallow water. Is it doubtful that Raz's reconstruction of the harm principle would impose a legal obligation (with sanctions) to act in such circumstances, since he is in favour of giving people pure choice. This means that the law should respect the voluntary acts and autonomy of the individual, as by omitting to help they have not made the situation any worse but have simply failed to make it better: to save the drowning child would be entirely charitable. Or, would Raz consider there to be a duty to save the child since a 'good' life means also helping your neighbour. At a very minimum, the law in this situation would have a duty to guide citizens to do what is 'good' which would undoubtedly be to save the child if there is little risk on the person. This highlights a significant problem with Raz's theory, as it is both difficult to know what his exact meaning of 'harm' is (and so be sure of the coercion and non-coercion distinction), and it is furthermore a struggle to measure and determine whether the law is performing the non-coercive type of enforcement effectively. **[OK BUT I THINK TO EFFECTIVELY DISCUSS RAZ'S IDEA OF NON-COERCIVE PROMOTION OF MORALITY YOU NEED TO DISCUSS THE KINDS OF EXAMPLES HE USES. HE HAS IN MIND EDUCATION MEASURES, GOVT SPONSORED TV ADVERTS TO ENCOURAGE CERTAIN THINGS AND DISCOURAGE OTHERS, SUBSIDIES TO MAKE ART GALLERIES OR SPORTING ACTIVITIES FREE OR CHEAP TO DRAW PEOPLE TOWARD THEM. WHAT DO YOU MAKE OF THESE KINDS OF MEASURES? ARE THEY JUSTIFIED? ARE THEY EASIER TO JUSTIFY THAN COERCIVE MEASURES? IS THE LINE BETWEEN COERCIVE AND NON COERCIVE MEASURES ALWAYS SO EASY TO DRAW (EG SUPPOSE A GOVT PUT AN ENORMOUSLY HIGH TAX ON CERTAIN THINGS, WOULD THIS AMOUNT TO "ECONOMIC COERCION"?) MIGHT SOME SUCH MEASURES, THOUGH NOT USING "CLASSIC" COERCIVE MEANS, NONETHELESS BE PROBLEMATIC OR FEATURE ACTIVITY OR AREAS INTO WHICH GOVTS SHOULDN'T INTRUDE?]**

In conclusion, it is submitted that the harm principle as expounded by Raz is the right way to enforce and promote morality to help people to live good lives. Despite its being vague, **[YOU NEED TO EXPLAIN YOUR CRITICISM HERE – GIVE EXAMPLES OF THE VAGUENESS YOU DETECT]** such a theory illustrates that a 'good' life consists of having freedom and autonomy with the understanding and firm guidance of the law. This protects the moral standards of the community which were capable of being lost under a strict Millsian **[NB HE IS JS MILL, NOT MILLS]** approach, yet does not embark on impractical and unethical view that the law is to interfere with the personal ways in which people live their lives.

SOME GOOD KNOWLEDGE EXHIBITED HERE AND THE BEGINNINGS OF SOME THOUGHTFUL ANALYTICAL POINTS BUT THERE ARE SOME THINGS STILL TO WORK ON:

- (1) ESSAY STRUCTURE AND HAVING ACUTE FOCUS ON THE EXACT WORDS OF QUESTION SET. DON'T WRITE ABOUT EVERYTHING YOU COULD INCLUDE IN THE TOPIC AND DON'T START NEW PARAGRAPHS AS IF YOU ARE SORT OF SAYING "AND ANOTHER THING IS..." YOU NEED A REASON TO FOCUS ON CERTAIN MATERIAL AND NOT OTHER MATERIAL AND THE REASON SHOULD BE THAT THE MATERIAL YOU CHOOSE SUPPORTS YOUR THESIS, YOUR ANSWER TO THE EXACT QUESTION SET. TRY ALSO TO LINK**

PARAGRAPHS TOGETHER AND EXPLAIN WHY YOU ARE MOVING ON TO A NEW POINT AND WHAT IT WILL HELP YOU TO ESTABLISH IN YOUR OVERALL ARGUMENT. THE READER SHOULD NEVER FEEL “AT SEA” AND SHOULD ALWAYS KNOW WHAT STRUCTURE YOU ARE EMPLOYING, WHY YOU ARE DISCUSSING WHAT YOU ARE DISCUSSING, AND WHERE THE ARGUMENT IS GOING NOW. PLAN ESSAYS WELL, KEEP THEM TIGHTLY FOCUSED ON THE QUESTION SET THROUGHOUT.

- (2) YOU NEED MUCH MORE OF A THESIS AND A DEFINITE VIEW OF YOUR OWN. TRY NOT TO BE SO TENTATIVE AND SUGGESTIVE, EG TRY NOT TO TALK IN TERMS OF “PERHAPS” OR ASK QUESTIONS WITHOUT ANSWERING THEM. BEFORE YOU START TO WRITE, YOU SHOULD KNOW YOUR VIEW ON THE ANSWER TO THE EXACT QUESTION SET AND YOU SHOULD BE BUILDING UP AN ARGUMENT ON YOUR VIEW ALL THE WAY THROUGH**
- (3) YOU NEED TO GET THROUGH THE EXPOSITION OF OTHERS’ VIEWS MUCH MORE SUCCINCTLY AND ONLY EXPLAIN THOSE ASPECTS OF THEIR VIEWS RELEVANT TO THE QUESTION SET. THIS WILL FREE UP MUCH MORE TIME FOR YOUR OWN CRITICAL ANALYSIS AND FOR PUSHING YOUR VIEWS EVEN FURTHER.**
- (4) EXPLAIN TERMS THAT YOU USE, AND ALWAYS BACK UP AND EXPLAIN POINTS YOU MAKE, SEE COMMENTS FOR FURTHER DETAILS.**

59-60 – PERHAPS JUST 60. POOR ESSAY STRUCTURE AND TECHNIQUE, VARIABLE FOCUS ON THE EXACT QUESTION SET, AND NOT TAKING AND ARGUING THROUGH A CLEAR VIEW OF YOUR OWN PULLS THIS DOWN UNFORTUNATELY. HOWEVER, DON’T LOSE HEART BECAUSE YOU HAVE A GOOD KNOWLEDGE BASE HERE AND THE BEGINNINGS OF CRITICAL ANALYSIS UPON WHICH YOU CAN BUILD. IT IS A MATTER OF MAKING THAT KNOWLEDGE WORK FOR YOU AND ORIENTING IT WELL TO THE QUESTION SET, AND BUILDING IN SOME PRECISE AND HARD HITTING ANALYSIS AND VIEWS OF YOUR OWN.