

Law School Guide to Answering Essay Questions

The purpose of this guidance

This guide is intended to serve a baseline level of guidance for approaching essay questions in any subject offered by the Law School as part of your undergraduate law degree. It cannot, and does not purport to be, exhaustive. It is structured in a way which reflects the essay writing process and the main parts of an essay itself. Some modules may issue separate guidance in light of their particular aims or focus, though this is intended to build on, not substitute, this guidance.

Remember that there will rarely, if ever, be one 'right' way of answering the question. No-one will tell you what to write in your essay, and there are no 'blueprint' or 'model' answers - just better ways of approaching the question and making more sophisticated arguments in response. Much will hinge on the judgments you make about how to understand the question and your response to it - which is what is expected of students in higher education. How you apply your judgment in this regard is a significant aspect of the basis on which you are assessed. We realise this may well be different from what you may have experienced in previous stages of your education, which is the reason for issuing this guidance in the first place. Clearly, where this guidance differs from what you have been advised at previous stages of study (e.g. at A' level or equivalent), you should disregard the earlier advice and follow the guidance here.

Before you start your essay

Whether you are asked to write an assessed essay or are writing an essay in exam conditions, be sure you are clear on what the question is asking you. Never attempt to answer the question you would have liked to have been set rather than the one in front of you – you will usually fail or receive a weak pass if you do. Your first step is to plan what you intend to say in light of what the question asks of you and based on the learning you have undertaken in the module. This allows you to reflect on whether you have understood the question correctly, and to minimise the risk of poor structure, inclusion of irrelevant material or repetition. Be sure you clearly understand what the essay is asking of you, such as 'discuss', 'critically analyse', 'evaluate', etc.

Research and preparation

Once you have a clear view on what is being asked you need to plan out your response. You should have a rough idea of what your response will entail from the outset. The essay question you are being asked must drive your research and preparations - do not just research anything and hope an essay somehow results. You will need to ensure that before you start you have consulted relevant and appropriate scholarly materials. These include (which will be balanced differently depending on the nature of the module concerned) cases, statutes, treaties,

academic journal articles, books (monographs), chapters in edited books, articles in scholarly encyclopaedias, official reports and policy documents, quality news reporting, Hansard, etc. The most relevant material will be in the module reading list and you can then expand your research from there. Inappropriate material include materials like A' level books/notes, Wikipedia and blogs (unless the latter has been specifically referred to you by a tutor), or random web based material. You should avoid quoting from lecture slides/notes unless there is a point made by a lecturer which you genuinely cannot find elsewhere, which would be rare. Lecture slides or notes are intended to act as a catalyst for your own reading, and not to take the place of this reading. In most cases, you will be able to follow up a point made in such slides or notes by going directly to the source in question.

Structure

You should now have a plan on how to respond to the question and sufficient research to allow you to now set out how you are going to respond.

A successful essay of any kind needs to be well-structured. Structure is what gives your essay cohesiveness and direction. It refers to the logical development between the introduction, description, analysis, evaluation and conclusion of the piece. This logical development is aided through 'signposting'. Signposting is how you subtly indicate to the reader what you are discussing and where you are going next with the argument is relevant to answering the question, which should be woven into the essay throughout. If you do this effectively, you will avoid meandering between topics, shifting suddenly and inexplicably from issue to issue or evasiveness, all of which lower the mark you will receive.

The introduction

The introduction should be concise. It should be used only to refer to what the question is asking you to do and to indicate how you have interpreted its focus as well as the order and structure of the arguments (e.g. 'In the first section of the essay I will consider. . .', 'In the section, I will go on to argue that . . .' etc.). You may also – and in some modules be explicitly encouraged to – indicate the position you are going to argue for in relation the question (e.g. 'In this essay, I will argue that due process safeguards are essential to uphold the rights of suspects in the criminal justice system'). Avoid rambling or digressive introductions in which the above is not clearly communicated to the reader – these are simply a waste of valuable word space. Remember that substantive introductory material (e.g. setting out the nature of a controversy on particular area of law) should go in the first section in the main body of the essay rather than in the introduction itself. Put simply, the introduction should simply tell the reader what you are going to discuss and the order in which the discussion will take, so the reader has an orientation to what will follow. As such, it is often useful to write the introduction last, once you have answered the question in the main body of the essay and can best explain its stages. Essays that receive

lower marks typically omit an introduction or misunderstand what an introduction should seek to do.

The main body of the essay

This is the most important part of your essay, and the one to which we devote most attention in this guidance. The main body of the essay is where you answer the question, and is the basis on which your overall mark is primarily determined.

(i) Description and analysis/evaluation

As undergraduate law students, we want you to show that you understand and can critically engage with the particular topics raised by the question. You need to ensure that a legal position, debate or concept is fully and accurately described, but this should never be the primary focus of your essay. While an appropriate level of description is certainly important, the far more important (and higher level) essay writing skill is analysis and evaluation. Analysis and evaluation is the means by which you demonstrate your capacity for critical thought, a crucial part of what it means to study in higher education. So, this is where you might, for instance, identify the limitations of a particular theory or perspective in explaining certain legal phenomena, consider a perceived shortcoming in a judgment or examine the values underpinning a particular piece of legislation. This involves reasoned argument and developing a viewpoint of your own on the question *throughout the essay* (rather than only at the end), not merely regurgitating what academics you have read think, nor fence-sitting and offering disengaged comments like 'it can be seen this area of law is controversial and debate will continue for the foreseeable future', which are highly unsatisfactory. In other words, we want to know more than what your opinion is – we want to know the reasons *why* you take that viewpoint on the question, and in sufficient detail. This requires you to argue closely – i.e. – to rigorously examine every step of your reasoning, to question assumptions in your own and others' thinking and to carefully engage with counter-arguments, substantiated with reference to authoritative sources.

Plainly, any argument is only as good as the quality and detail of the reasons on which it is founded. This is how we discriminate between a powerful and a weak argument, and develop an opinion on anything that warrants being taken seriously. Since this reasoning is crucial to whether your opinion on the question is credible, it is possible to receive a lower mark even where you seek to offer your own viewpoint on the question but offer superficial reasoning or, worse still, if all you have done is offer assertion rather than provide the reasons behind taking that view. The first of these faults, under-development, is an avoidable but all-too-common fault in presenting arguments. Under-development is typically signalled by the introduction of a complex, contentious issue only to move to the next without subjecting the first issue to sufficient scrutiny. This may be caused by the author attempting to cover too much within the word length (if an assessed essay) or time available (if an exam

question), though in some cases, under-development is due to the essay being considerably short, either than the word limit (if an assessed essay) or what might be reasonably expected in the context of the time available in an exam. When a word limit is given for an assessed essay, we expect that your answer will use most of the word length available to answer the question properly and the nature of questions we set take into account that an essay will come close to the word limit if it the arguments are to be developed appropriately.

(ii) Expressing ideas in your own words and use of quotations

In general, you should aim to explain key concepts or ideas in your essay in your own words. This shows that you actually understand what these key concepts or ideas are without relying on someone else's formulation, though it is, of course, acceptable to paraphrase the work of someone else provide you correctly acknowledge this (see 'Referencing and Bibliography', below). Quotations should be used only occasionally and with good justification. Excessive use of quotation gives the impression that you are simply assembling a patchwork of other people's ideas without demonstrating you can understand and analyse/evaluate what they are saying. Quotations should be reserved for use in three broad instances: first, in support of a point you have already made in your own words; second where you genuinely cannot summarise the passage in question in your own words because it involves particularly complex or technical matters which are hard to paraphrase; or third, where you deem it less effective to do so (e.g. because the author's own formulation is especially powerful or well-known, e.g. John Stuart Mill's famous quote in *On Liberty* "[t]he 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").

(iii) Style and tone

You may write your essay in the first person (e.g. 'I argue that . . .') or the third person (e.g. 'it is argued that . . .'), depending on how you prefer to express your own thinking in your essay. If you do wish to use the third person, however, be careful to clearly distinguish between instances where 'it is argued that . . .' means 'I argue that . . .' and when it means 'other writers argue that . . .', otherwise your own viewpoint will not be communicated effectively.

The hallmarks of an effective scholarly essay are clarity and accuracy of language, concise and articulate expression, the use of correct spelling, grammar and sentence construction and the avoidance of colloquialism. The tone of your essay should be formal without being pompous or bombastic. You should take a close look at any recently published article in journals like the *Modern Law Review* or the *Oxford Journal of Legal Studies* if you are in any doubt as to appropriate academic writing style and tone, and model your own on this. Whilst we do not expect that you can

achieve the standards of published academics, how they communicate with the reader is something you should seek to emulate as far as possible.

The conclusion

Like the introduction, the conclusion is a functional part of the essay. Its purpose is to meaningfully and persuasively draw together and summarise what you have argued for in your essay. As such, your previous arguments must support and be consistent with the conclusion. The conclusion should never introduce new material, nor be the point at which, as if out of nowhere, your own point of view appears. This may seem obvious, but it is surprising (and dismaying) the number of essays which do this. The conclusion does not need to be long, and nor should it extend to discuss irrelevant issues, though you may use it to briefly identify implications of your discussion which are peripheral to the essay question which you have not been able to explore in your essay.

Substantiation, referencing and bibliography

As already mentioned, you must substantiate all claims you make with regard to appropriate sources. So, for example, a point of law must be substantiated with reference to an appropriate primary source, such as a case or statute, and a claim about the law (theoretical or doctrinal) needs to be supported by scholarly writing (e.g. books, journal articles etc.). A key way in which you substantiate your essay is through referencing. On every occasion where you include a quote, a paraphrase from an academic work or legal case and also where you mention an entire academic work or legal case as a whole (e.g. Hart's *The Concept of Law* or the case of *Re A (children)*), you must insert a footnote reference (or, if using this system instead, a Harvard reference). Failure to do so may give rise to allegations of plagiarism, which is where you pass off the work of others as your own, even if you did not intend to do this.

The bibliography is where you list all sources you have discussed/cited in your essay. It should not include sources you have read but not used in this way.

In an exam context, you would not be expected to provide footnotes and a bibliography, but provide some attempt to reference the sources you have used, e.g. ('As Dworkin claims in *Law's Empire*, . . .'; 'In the case of *Donoghue v Stephenson*, . . .').

Remember that omissions and deficiencies in referencing sources are not trivial matters – they are unacceptable and are taken very seriously.

Afterwards

Always re-read your essay carefully, either at the end of the exam or, if an assessed essay, after waiting a few days so it is easier to spot mistakes, typos and areas for improvement with a fresh mind. Never expect to submit a first draft of an assessed essay – you should always aim to refine what you have written so the finished product places your thinking and the work as a whole in its best light. A helpful tip is to think about how your essay reads back to yourself when you are proof-reading it. If you were marking your essay, how well do you think the argument is sustained? Is it well-ordered and purposeful? If the essay appears disjointed at this stage, or is lacking in one of the respects discussed above, go back and re-write it. Of course, you must allow yourself sufficient time in which to do this.

Other hints and further support:

- Never leave your work to the last minute - even if you prefer to work under pressure - you will never have the time to ensure you produce a quality piece of work if you do. Ideally, begin work as soon as the titles are available to allow as much time as possible for the research and writing process and to accommodate any unforeseen delays you might encounter.
- Discuss your essay ideas and plans with fellow students and the subject tutors in the module.
- Be flexible - your argument and ideas may need to be revised as your work and research develops, which may require some changes in the original plan.