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# 13

## Essay writing

### INTRODUCTION

The focus of this chapter is essay writing. Earlier sections of this book have outlined techniques for locating and understanding primary and secondary legal sources. This chapter builds on those skills by exploring the ways that this source material can be used in your coursework. It will also guide you through the stages of planning, research, and construction of an essay with practical advice on interpreting the question and producing a structured response that demonstrates the required skills and knowledge. It should be read in conjunction with Chapter 10, which focuses on writing skills and Chapter 12, for information on referencing. Doing so will ensure that you produce a polished piece of work that is well-expressed and fully referenced in an appropriate style.

The essay is a popular method tool of assessment in law, and essay questions make frequent appearances on exam papers across a range of modules as well as featuring heavily in coursework assessment. Given the prevalence of this method of assessment, it is important that you ensure that your essay-writing craftsmanship is of the highest level. Students often make the mistake of thinking that an essay is marked on its content alone but this is not the case: a good essay is a combination of knowledge and skills. In fact, there are a whole package of skills involved in essay writing, all of which need to be demonstrated if your work is to achieve good marks. This chapter will introduce these skills and explain what you need to do to demonstrate them to the person marking your essay.

### LEARNING OUTCOMES

*After studying this chapter, you will be able to:*

- Appreciate the combination of knowledge and skills required to produce a successful piece of written work
- Be able to 'unpick' the question to ensure that you have a clear grasp of its requirements
- Conduct effective research and extract relevant information to enable you to produce a focused and well-supported essay
- Create an effective introduction and conclusion to your essay and structure a cohesive line of argument

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#### WHAT MAKES A GOOD ESSAY?

- Evaluate the essay that you have written to ensure that it demonstrates the relevant skills and knowledge and that it adheres to the necessary style and referencing requirements
- Recognize and overcome the common barriers between grade boundaries/classifications to improve your performance

### 13.1 What makes a good essay?

This is an important question as you cannot be expected to produce a good essay until you know what features combine together to create a good essay. In essence, a good essay is one that answers the question and, in doing so, demonstrates a range of written and analytical skills. It is important to emphasize that a good essay requires as much thought to be given to the way that the essay is constructed as is given to its content. In other words, it is not enough that you know the relevant law and commentary; you must also know what to do with it in order to write an effective essay. A good essay should demonstrate the following:

- A foundation of accurate and relevant knowledge about the legal topic that is the subject of the question
- Wide-ranging research that identifies a variety of relevant source material appropriate to the subject matter
- Effective use of source material so that it is integrated into the essay and used to strengthen your arguments in a way that demonstrates your understanding of the material and its role in your work
- The ability to filter out irrelevant or peripheral points and to maintain a firm and consistent focus on the central issue raised by the question
- A flowing line of argument set in a clear structure with an effective introduction and conclusion
- An appropriate balance between description and analysis
- Good written communication skills in producing a coherent and eloquent piece of work
- A thorough approach to referencing that ensures that all source material is acknowledged in a complete and appropriate style

This mix of knowledge and skills can be further illustrated if the process of creating an essay is broken down into stages as illustrated in Figure 13.1.

This chapter will provide a detailed account of the requirements of each of these stages in order to assist you with the production of an essay that answers the question set, demonstrates appropriate skills, and which meets with the approval of your marker. Remember, though, that it may be necessary to move backwards and forwards through the stages: you may, for example, find that you need to do more research once you have moved into the writing stage or that you need to reconsider what the essay means during the research stage, but that is not a problem. This chapter does not intend to suggest that there is a rigid progression through the stages but to ensure that each stage is given adequate attention to help you with the production of your essays.

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## 13.2 Analyzing the question

It is important to take time to analyze the question in order to work out what it requires. This is a fundamental first step although it may have to be combined with some initial research to help you understand the precise requirements of the question. For example, you may be able to identify the subject matter of the question on the basis of its wording and your existing knowledge but a little preliminary investigation in your textbook might be necessary to help you understand the question more fully. However, try to pinpoint the precise requirements of the question as early as possible as this will add focus to your research and enable you to identify relevant material more effectively.

### 13.2.1 What does the question ask?

It is essential to the effectiveness of every stage of the essay-writing process as well as to the overall success of the essay, in terms of the mark that it is awarded, that you focus on what the essay *asks* rather than the broader issue of what the essay is *about*. This distinction can be described in terms of the particular question (what the essay *asks*) as opposed to a more general topic (what the essay is *about*).

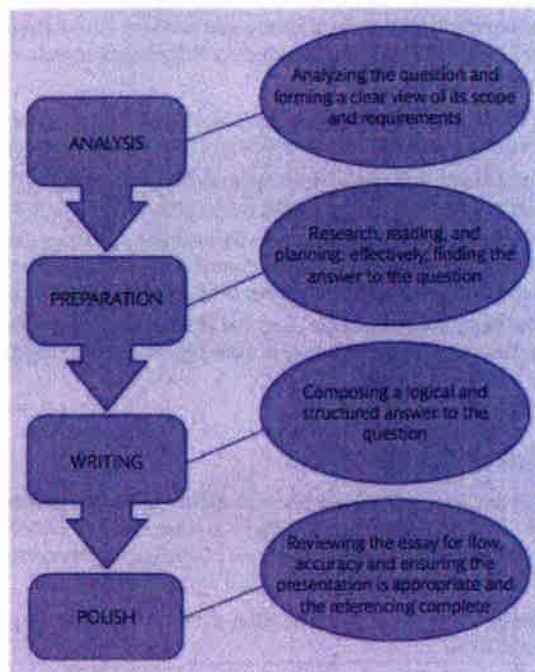


Figure 13.1 The four stages of essay writing

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For example, if you asked someone how to make pizza, you would be annoyed if they respond by telling you where to buy pizza or how many calories there are in the average pizza or if they embark on an account of the history of pizza making. This is because they have not answered your question even though they are talking about the same general topic.

The same principle applies to essay questions in law. Take a look at the following question and decide (a) what it is about and (b) what it asks:

*Critically assess whether the Sexual Offences Act 2003 has achieved its objectives of simplifying the law and affording greater protection to victims of rape.*

The answer to the first question is straightforward: the question is about sexual offences legislation and the offence of rape. However, there are any number of different questions that could be asked about this topic so it would be important that your answer focused on the specific question asked here which is whether this legislation achieved the two stated objectives.

Far too many students limit their prospects of success by responding to what the essay is about rather than narrowing their focus and providing a response to the specific question. This leads to the inclusion of irrelevant material as there is a vast range of points that could be made about the general topic (sexual offences) that have nothing to do with the specific question (the effectiveness of the legislation). For example, a discussion on grooming—an offence introduced by the Sexual Offences Act 2003 to deal with those who lure children into sexual activity—has little relevance to the question even though it is covered by the Act mentioned in the question. In other words, you do not have to take too many steps away from the specific question asked in order to stray into the realms of irrelevancy, even if your discussion is still within the same broad topic.

It is essential that you identify what the question asks and keep this to the forefront of your mind at every stage of the research, planning, and writing process to ensure that your essay does not lose its focus:

- Make sure that you isolate the specific question asked about the topic and write this in a prominent place so that it acts as a reminder whilst you are working on your essay
- Check every point that you find during your research for its relevance to the question (not the topic). You might want to develop a simple ranking system to help you with this
- Points that do not have immediate relevance can be made relevant if you slant them towards the question. For example, you could include a discussion of grooming in the earlier example if you used it to illustrate how it criminalizes conduct that might precede a rape
- When you are drafting your essay, make sure that each paragraph touches base with the specific question. You can use signposting to do this (this is discussed in section 13.4.4 later in this chapter)

### 13.2.2 Rewording the question

One of the most effective ways to work out what the question asks is to rewrite it in your own words with the aim of discovering one or two clear questions that you understand. For example, the following two questions simplify the sexual offences question and make it far easier to keep its core issues in mind when researching and writing the essay:

- Is the offence of rape easier to understand than it was prior to the introduction of the Sexual Offences Act 2003?
- Has the Sexual Offences Act 2003 improved the protection available for victims of rape?



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This approach will enable you to establish and retain a focus on the question posed by the essay and it also offers a starting point for structuring the essay as it is clear that there are two separate issues that need to be addressed.

It can also be helpful to reword an essay question if it is phrased in a way that does not give you much by way of clues as to what is expected. A question that is made up of a quotation followed by the instruction to 'discuss' is an example of this as it puts the onus on the student to work out what it is that needs to be discussed. The way to deal with this is to reword the question yourself using alternative words so that you make a distinction from the start about what aspect of the question needs to be described and what it is that needs to be analyzed.

*You will find an explanation of how so-called 'process words'—such as 'discuss'—are used in the construction of essay questions and how these can help you to understand what the question requires of you in section 13.4.5 later in this chapter.*



#### Practical exercise

It is a good idea to practise analyzing essay titles by rewording them as this will give you the confidence to do it with your own coursework questions. There is an example below followed by some questions for you to try yourself:

*The problems concerning the separation of powers have been resolved by the Constitutional Reform Act 2005. Discuss.*

This can be reworded using process words to indicate what needs to be described in the question and what part of it should be the focus of analysis:

*Outline the changes made to the separation of powers that were introduced by the Constitutional Reform Act 2005. Assess whether these changes have resolved all the problems associated with the separation of powers.*


This can be made clearer still by breaking this down into a series of questions that need to be answered:

- *What is meant by the separation of powers?*
- *What was the position prior to 2005?*
- *What changes were introduced by the Constitutional Reform Act 2005?*
- *Why were these changes made? What problems were they trying to address?*
- *What is the current situation?*
- *Do the previously identified problems still remain?*
- *Are there new problems?*

*So—have the problems concerning the separation of powers been resolved by the Constitutional Reform Act 2005?*

Try to identify the questions that are asked by the following essay titles. You should be able to make an attempt at this even if you have little prior knowledge of the subject matter.

1. *The postal rule is outdated and has little place in modern contract law. Discuss.*
2. *If the United Kingdom has a constitution at all, its central pillar is parliamentary sovereignty. Evaluate this statement with particular reference to the European Union.*
3. *Outline the approaches that a judge may take to statutory interpretation and consider their relevance following the enactment of the Human Rights Act 1998.*

 *You will find answers to these questions and an explanation of how they were reached on the Online Resource Centre.*

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Remember that you are rewording the question to enhance your understanding of what it requires. You must take the utmost care to ensure that you are not rewording it in a way that changes its sense or meaning. When your essay is marked, it will only attract credit for material that is relevant to the question that was asked and not for other points, however interesting or clever, that are not pertinent.

13.3 Preparation: research and planning

The preparatory stages of research and planning should take at least as much time as the actual writing of the essay. During this stage you will find different points of interest leading towards a draft conclusion, select material for inclusion in your essay, and engage in some preliminary planning of the structure of your argument. Taking care with these preparatory stages does make the writing of the essay less troublesome, as many of the difficult issues will have already been resolved.

13.3.1 Focus on the question(s)

The aim of the last section was to emphasize the importance of working out the requirements of the question before starting the process of research, planning, and writing that will produce

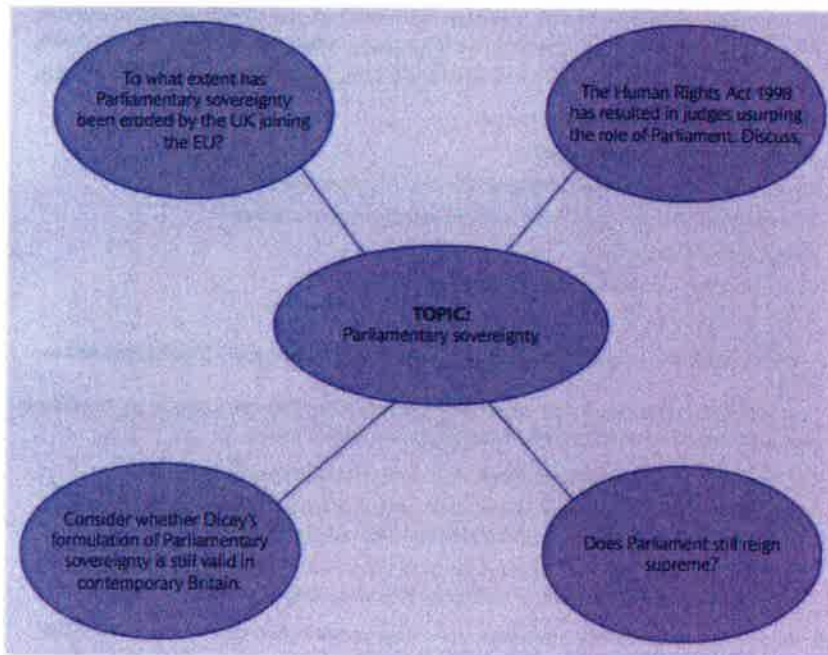


Figure 13.2 One topic, many questions.

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the essay. This is because you cannot answer a question effectively unless you know what it is asking. Students sometimes think that research is the first stage, but you will be so much more effective in your research if you start with a clear idea of what you are trying to find out.

Try to remember that you do not need to know the answer in order to conduct research; after all, that is what research is all about—finding answers. Of course, you are likely to discover information during your research that assists you to reach a more closely informed understanding of the question.

You should be able to identify the general topic from the wording of the question itself and this will enable you to start your research. Remember that each topic has a number of different questions that can be asked about it (see Figure 13.2) and your initial job is to sift through the information on the topic and identify material that is pertinent to the particular question that you have been asked.

### 13.3.2 Brainstorming

One method of exploring what you already know about a topic is brainstorming. This involves writing down everything that you can think of about a topic in the order it comes into your mind. This technique is useful in essay writing as a way to establish a list of potential topics for inclusion in your essay so that you can make some preliminary decisions about relevance and thus direct the focus of your research and reading.



#### Practical exercise

Brainstorming can be a good way of getting all your possible points about a topic down on paper so that you can look at them and assess their relevance to your essay. You might find it useful to work with a friend as you can share ideas and discuss the relevance of the different points that you generate.

1. Write the topic at the top of a piece of paper and divide the paper into two columns.
2. Give yourself a set period of time—two minutes should be ample—to make a list of all the points that spring into your mind about that topic. Do not worry about their relevance at this stage—just get all your ideas down on paper.
3. When your time is up, review the points that you have listed and think about their relevance to the particular question that is asked in your essay. Use a ranking system in which 1 = highly relevant, 2 = some relevance, and 3 = irrelevant. You can also add notes that reflect your thoughts about the role of each point that is relevant in your essay.
4. Reorder your points according to their relevance. Alternatively, you might want to start grouping similar points together to create a draft structure for your essay.

This approach may not capture all of the points that you want to include in your essay as you are likely to find new material as your research progresses but it will help to give some direction to your research by identifying potential lines of investigation.



You will find an example of a brainstorming exercise on the Online Resource Centre.

### 13.3.3 Getting started

It can be extremely difficult to make a start on the research and planning of an essay just because it all seems such an immense task, particularly if you feel that you are overwhelmed

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from the start because you are faced with a topic that you do not understand. This section outlines some of the early steps that can be taken that will help you to make a start on your preparation.

*Earlier chapters in this book have provided in-depth coverage of a range of sources, how to find them, and how to make effective use of them. This chapter will not repeat that information but will merely highlight a few key points of particular relevance to conducting research for an essay. You will probably find that you need to make reference to earlier chapters to help you with the research process.*

The most sensible starting point for your research is the relevant chapter(s) in a textbook. This is because textbooks are designed to provide exactly what you need at this point in time: a clear and relatively comprehensive explanation of areas of law. It is important that you use textbooks in an appropriate way when conducting research for your coursework. This means that you must use them in a way that is (a) useful to you and (b) acceptable to your lecturers.

- **Start with the set textbook.** Even if you do not like the book and have found an alternative, it would be a mistake not to read it in case you miss out on information that the lecturer expects you to know and that other students on your module will have read.
- **Make sure that you understand the basics of the topic.** If the set textbook does not give you a clear understanding of the important points, make a note of them and find a simpler explanation in an alternative book. You may need to try several textbooks before you find one that explains the issues in a way that makes sense to you but you must persevere with this as it is crucial that you have a grasp of the basics from a source aimed at students before you start to explore the issues in greater depth.
- **Use a range of textbooks.** Each author will explain the key points in the legal subject matter in their own way and will use different examples to illustrate their points so you can gain a broader perspective on the topic by using several different textbooks.
- **Do not make too many notes at this stage.** You are reading textbooks to gain an overview of the topic and to identify useful source material and lines of investigation relevant to your essay. It is not a good use of your time to copy large chunks out of the textbook so try to use a condensed approach to note-taking in which you describe the points that you want to find again and note the page on which it occurs. For example, you might write 'p. 174 talks about the 'red hand' rule and p. 178 refers to a useful article by Macdonald in *Legal Studies*'.
- **Move on to consult a wide range of sources.** Remember that textbooks are written for students. They do all the hard work for you by summarizing the information that you need to understand legal topics. You are expected to use this as a starting point to enable you to identify source material such as case law, relevant journal articles, and official reports that you will then read yourself and use as authority in your essay.

### 13.3.4 Gathering supporting materials

Once you have an idea of the basic points that you want to raise in your essay, you will need to turn your attention to the selection of supporting material. In other words, you will want to provide authority to substantiate your arguments. In particular, you should ensure that all statements of law are attributed to a particular source, whether this is case law or statute. It also adds strength to your arguments about the interpretation or application of the law if you can make reference to material which backs up your position.



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### 13.3.4.1 Textbooks

As a general rule, you should only use textbooks to support your argument if you have quoted directly from them and you should only quote directly from them if there is no other source available and you feel that you cannot express the idea in your own words. Textbooks exist to give you an accessible summary of the law and the central debates surrounding the law; basically, they are the starting point upon which you should build your legal understanding. As such, you will be expected to demonstrate that you have read a variety of sources in the preparation of your essay rather than simply relying on textbooks.

Of course, some textbooks have an excellent reputation for their analysis of the law, in which case you may find that there are ideas expressed in there that you would like to incorporate into your essay. If this is the case, it may be a good idea to find out if the author of the textbook has elaborated on this point in an article or monograph and, if so, to rely on this to support your argument instead. Overall, it is advisable to be sparing in your reliance on textbooks in your essay.

### 13.3.4.2 Statutory provisions

The position regarding statutory provisions is straightforward. If you are referring to a particular piece of legislation, you should always indicate the name of the statute and, if appropriate, the section or subsection number. This does not necessarily mean that you should quote the full wording of the section itself; it will often be more appropriate to paraphrase the statutory provision or to select a segment of the section.

### 13.3.4.3 Case law

There are four main ways in which you might want to use case law in your essay to support your answer.

- **The source of a legal principle.** If a legal rule, definition, or test has evolved in case law, you should attribute it to its source in the same way that you would if the area of law was governed by statute. For example, in criminal law, the test for oblique intention was formulated by the House of Lords in *R v Woollin* [1999] 1 AC 82 (HL).
- **An elaboration on the meaning of a word or phrase.** Case law is a major source of interpretation of the meaning and application of words and phrases used in law. For example, the phrase 'ethnic origin' as found in the Race Relations Act 1976 was subjected to in-depth interpretation in *Mandla v Lee* [1983] 2 AC 548 (HL).
- **The operation of the law.** If you want to ascertain the scope of the law and how it applies in particular situations, you can look at how it has taken effect in case law. For example, if you were addressing the tort of defamation in relation to media coverage of the private lives of celebrities, you could use the cases involving the right to freedom of expression to determine the scope of the law. You can also use case law to demonstrate the impact of changes in the law as you can show how the outcome of a decided case would differ; this can be an especially powerful way to support your arguments for or against a particular interpretation of the law. For example, in relation to the sample essay, you could use cases decided under the old law and, in order to demonstrate its impact, explain how they would have a different outcome under the new law.
- **Judicial consideration of issues relevant to your essay.** Case law contains some fascinating in-depth evaluations of how the law is and how it could be as well as the implications of different interpretations of the law. Do not overlook dissenting judgments as these are often a great source of inspiration for opposing arguments.

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#### 13.3.4.4 Academic commentary

Sources such as journal articles and monographs can provide valuable support for the arguments made in your essay. It is suggested that you should also strive to include at the very least two, preferably opposing or contradictory, academic viewpoints within your essay to demonstrate the different perspectives that exist in relation to the issue under consideration.

This approach is much stronger than merely asserting your own opinion of the law, although it is perfectly permissible to produce academic arguments that concur with your own preferences. Remember, though, that there is a need for balance and objectivity; whatever your preferred view, you should ensure that an alternative stance is at least acknowledged in your essay. From a pragmatic point of view, identifying two different standpoints is likely to attract greater credit from the marker than reliance on a single view, plus you are also demonstrating your research skills in identifying more than one opinion on the same issue, thus showing evidence of wide reading.

#### 13.3.4.5 Internet sources

Students tend to like the Internet as a research tool because it is a quick and easy source of information: type in a word or phrase and you will be presented with a whole host of results within a split second. However, traditional legal resources are reliable and accurate whereas the quality of material found on the Internet cannot be guaranteed. It is acceptable to use the Internet to access official publications, such as those found on the Ministry of Justice website, but you should use material of uncertain origin with great caution.

In particular, you should avoid Internet websites that provide a potted summary of the law, especially those aimed at A level students (the reason for this should be obvious). There is a great temptation to rely on Internet sources that make the law sound so straightforward but it is not a good idea: it is the online equivalent of relying on the simplest textbook on the topic. You do not demonstrate understanding of your topic if you rely on these sorts of web sources as the message that it gives to your marker is 'I used Google to find some websites that make the law really easy and here is my rewording of their analysis of the law'. This is not the message you want to give as it conveys a poor impression of (a) your research skills and (b) your level of comprehension of the topic.

If you need any further persuasion that many Internet sources are not the most suitable authority to cite in an essay, look no further than Wikipedia itself. Wikipedia reminds users that encyclopedias (hard copy or online) are not viewed as good academic sources:

Most educators and professionals do not consider it appropriate to use tertiary sources such as encyclopedias as a sole source for any information—citing an encyclopedia as an important reference in footnotes or bibliographies may result in censure or a falling grade. Wikipedia articles should be used for background information, as a reference for correct terminology and search terms, and as a starting point for further research.

As with any community-built reference, there is a possibility for error in Wikipedia's content—please check your facts against multiple sources and read our disclaimers for more information.<sup>1</sup>

If even Wikipedia itself suggests that you should not rely upon its content without checking it thoroughly, this should give you a very good reason indeed to avoid using it as a source.

1. <<http://en.wikipedia.org/w/index.php?title=Special:Cite&page=Law&id=387799726>>.

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When selecting supporting material, bear in mind the following guidelines:

- Statements of law need to be supported by reference to their source in either statute or case law
- Factual statements should be attributed to their source, for example a statement that 'over 5000 women are killed by their partners each year in England and Wales' must provide a reference to the source of the statistic
- Analysis, discussion, and speculation about the law are strengthened by reference to supporting material so look for articles, official reports, and commentary in good textbooks
- A balanced argument is more effective than a one-sided stance, so select supporting material that takes into account a range of perspectives on the issue under consideration
- Be cautious in your use of textbooks, using them only if you can find no other supporting material for a particular argument, example, or opinion and never as a reference point for a statement of law that is contained in a case or statute

*Remember that all supporting material must be fully and appropriately referenced in your essay. Failure to do so carries a risk that you will be accused of plagiarism. You will find detailed information on correct approaches to referencing in chapter 12.*

### 13.3.5 Assessing the quality of source material

There are various means of evaluating the relevance and value of source material. One that you may find useful was developed by the Open Library (the library service of the Open University) that uses the mnemonic PROMPT as shown in Figure 13.3.

Each of the parts of this mnemonic will be explained in the sections that follow. Remember that you should carry out a PROMPT analysis in the context of a particular piece of work or a specific topic, as an assessment of relevance needs a point of reference: a meaningful PROMPT analysis cannot really be done in the abstract.

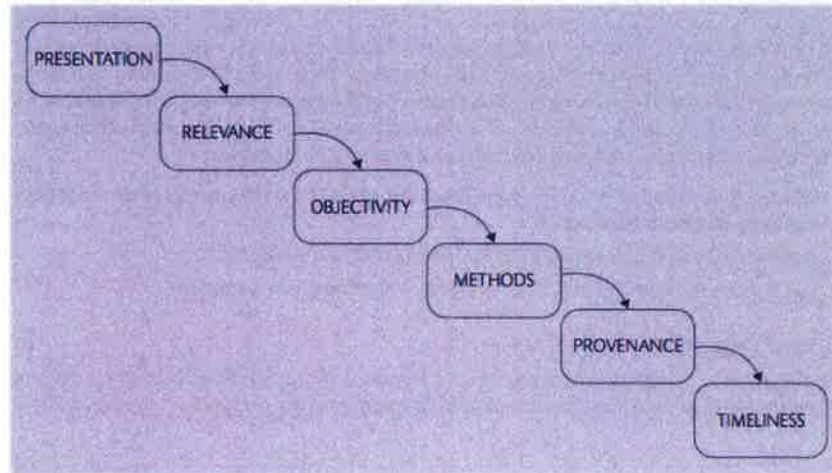


Figure 13.3 The PROMPT criteria

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### 13.3.5.1 Presentation

Presentation refers to the appearance of the source material. For example, an academic article is characterized by dense text, mature use of language, and the inclusion of specialist terminology thus indicating that it is aimed at an expert audience, whereas a newspaper article will use more straightforward language and a more accessible layout to suit the general reader. Remember that the level of information aimed at the general reader might be too simplistic for your purposes (see the discussion on relevance in section 13.3.5.2).

The balance between text and illustrations can also give insight into the intended readership. Websites tend to vary in their presentation according to their target reader/user. Other aspects of presentation may be related to the credibility of the source: academic articles include institutional affiliations whilst websites might contain the logo of reputable organizations to add weight to their content.

Questions you might wish to consider when evaluating *presentation* are:

- Is the information communicated clearly?
- Are there errors of spelling, grammar, or presentation?
- What does the writing style suggest about the author or the audience?

### 13.3.5.2 Relevance

Relevance is closely associated with the purpose for which the source will be used. For example, a newspaper article covering proposed anti-terrorism legislation would be relevant to an essay that considered legal responses to extremism, but it would be less relevant to an essay on the use of the Royal prerogative<sup>2</sup> and of no relevance to an essay on easements. Relevance covers both the content of the source material and its nature: books and journal articles tend to be regarded as more relevant sources for academic writing, as they are aimed at the academic audience and tend to be in more depth and detailed than newspaper coverage or material found on websites. Of course, there will be circumstances in which newspaper articles are relevant to academic writing: they are produced more quickly (see the discussion on timeliness in section 13.3.5.6) than academic articles so may be the only source available for current legal developments, and some editorial pieces and articles produced by expert columnists, particularly in broadsheets, may offer a similar level of depth and detail to a short academic article. It is important to remember that a source does not have to be a perfect match with the topic under investigation in order to have some relevance. In order to stand the best chance of finding relevant material, you should be clear on your search strategy—what is it that you are looking for and why are you looking for it?

Questions you might wish to consider when evaluating *relevance* are:

- Does it contain the sort of information that is specifically required to illustrate or support the particular point being made?
- Is the level of this source suitable? Is it too detailed or too simple?
- Does it relate to a country or jurisdiction that is not under consideration?

### 13.3.5.3 Objectivity

Objectivity refers to the extent to which the source material takes a neutral stance or presents a balanced argument rather than arguing from one particular perspective. Journal articles

2. Although there is a power under the Royal prerogative to refuse or withdraw passports from British nationals who 'may seek to harm the UK' by travelling on a British passport to take part in terrorist-related activity.





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tend to be more objective than media or online sources although this varies according to the nature of the source material. Academic writers tend to explore issues rather than to seek to promote a specific viewpoint, and even those which seek to persuade the reader that a particular approach is preferable tend to include and dissect contrary viewpoints. Newspaper articles may promote a single viewpoint or present more than one view but give primacy to one over the others; a good way to check for balance is to count the number of words that a newspaper article gives to each stance and to consider the relative positioning in the article of the viewpoints (early viewpoints tend to be more dominant). Web sources often have a single viewpoint to promote so care needs to be taken when relying upon them and consideration given to the interests of the individual writer or the organization in control of the publication. You will need to develop the skill of recognizing the perspective put forward by an author—biased opinion is fine, as long as you are able to recognize it as such.

Questions you might wish to consider when evaluating objectivity are:

- Do the writers state their position on the issue?
- Does the source use an emotive, sensational, or journalistic tone?
- Are there any hidden or vested commercial, political, or media interests? (see discussion on provenance in section 13.3.5.5)
- Is the source a mask for advertising a particular product, service, or organization?
- Is the information fact or opinion?
- Is the source complete, or does it just consider one point of view?
- What are the goals or objectives of the source?

### 13.3.5.4 Methods

Searching for an understanding of the methods used to produce the information within the source may be a useful indicator of its quality. While the idea of methods applies most commonly to socio-legal empirical research, you should consider where the information contained in the source document came from and whether or not it is reliable. For instance, an article might carry a review of the available literature together with some indication as to how that literature was selected for comment.

Questions you might wish to consider when evaluating *method* are:

- Are clear details provided within the document about its sources?
- Is the material simply an opinion or does it carry supporting evidence (documentary, case law, legislation, or otherwise)?
- Are vague terms such as 'sources/commentators suggest' used?
- If a newspaper article has used quotations, are these from experts?

### 13.3.5.5 Provenance

*Provenance* concerns the origins of the material—who produced it and where it came from—and can also give useful insight into its quality. However, each source should be judged on its merits. Some academic work is considered to be of great importance just because it is published in a prestigious journal, yet equally valuable work can readily be found in journals that are considered 'lesser' in some way. That said, provenance is an indirect indicator of quality and reliability—but remember that you should also consider the other areas of enquiry in the PROMPT criteria as well. In the context of your coursework, provenance is also important for your marker to be confident that you are using appropriate sources.

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Knowledge of the author is helpful, as it enables you to see if they are acknowledged as an expert in a particular area (although remember that everyone has a first article—so the absence of a body of literature from the same person does not necessarily devalue their early work). It also helps you to see if their work has been referenced in other literature on the topic, or to see if they are well known for espousing a particular viewpoint or court controversy. Similarly, if the material was sponsored by a particular association, you will want to consider the purpose of that organization, to determine whether it is likely to have a particular agenda that would lead to a subjective viewpoint being expressed. For example, Stonewall—a campaigning and lobbying organization promoting lesbian, gay, and bisexual rights—published the Gay British Crime Survey 2013 which concluded that police forces should do much more to tackle homophobic hate crimes: this may cause you to question the objectivity of the report in interpreting the results.

With regard to articles in newspapers, you should remember that the purpose of these articles is to sell newspapers—this can lead to the omission of detail or the sensationalism of the facts, or reporting the story in such a way as to suit the political leanings of the newspaper (see the discussion on objectivity in section 13.3.5.3). Consider also the distinction between broadsheets and tabloid newspapers.

Finally, as you have already seen in this chapter, remember that anyone can publish on the web or post to a discussion forum: this is where the author's credentials are a useful indicator of quality. There is, however, a distinction between material that is *published* on the web and that which is *available* on the web: an article from the *Criminal Law Review*, for example, that is viewed online will be identical to that which first appeared in print and will have been subject to the same review processes. Most (but not all) academic journals are peer-reviewed: articles that are submitted will be evaluated by at least two independent experts and revisions may well be required before an article is accepted for publication. By contrast, not all electronic journals operate a peer review process—check to see if there are any statements on editorial policy.

Questions you might wish to consider when evaluating *provenance* are:

- Who wrote the material? Is there an institutional affiliation? Have they provided a contact email address?
- Is the author a well-known authority in the field? Are they trustworthy?
- If the material is supported by an organization, what are their interests? Who is paying for the material?
- Where is the information published? Has it been edited or reviewed prior to publication?

#### 13.3.5.6 Timeliness

Timeliness relates to the currency of the information contained in the source material. This is particularly important in law where material—especially case law—can date very rapidly. That is not to say that there is no value in older source material: for example, in *De l'esprit des lois* (1748), Montesquieu described the separation of powers between the legislature, the executive, and the judiciary. Just because this view is over 250 years old does not make it invalid today. Older material can be informative in setting out the evolution of a certain theory or society's view of a particular issue at a certain point in time, or it may simply relate to a relatively static area of law. That said, you must remember to take the date of publication into account when assessing the source, but also remember that whether or not material is out of date depends on the purpose for which you want that material. Consider whether new research has been published since the source material that supersedes it or casts new light onto its findings.



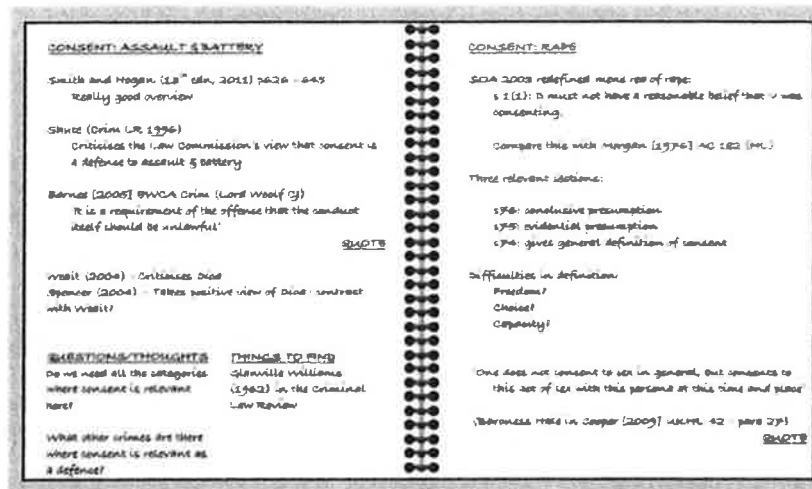


Figure 13.4 Notes organized by issue.

will serve as a useful reminder of thoughts that occurred to you as you were reading and will act as a prompt when you are deciding what further research needs to be undertaken.

You may also have noticed that some points in the example are written in full and that the word QUOTE appears in capital letters beside them. You might think that this is unnecessary as the words appear inside quotation marks but it is very good practice to do everything possible to draw your attention to the fact that these words are not yours and must be attributed to their source if used in your essay. It is very easy to forget to add quotation marks or overlook them when reading your notes some time after they were written and think 'what a good point. I've expressed that really well' and include it in your essay without realizing that it was a quotation. As you will see from the discussion in chapter 12, even unintentional replication of the work of others without acknowledgement will contravene the plagiarism/unfair practice rules at your university so it is worth taking extra effort to ensure that you do not make a mistake when using your notes to create your essay.

Whichever approach you use to record and organize your material, it is important to remember that you must ensure that you keep full bibliographic details of all your source material. There is nothing more frustrating than having the feeling of success and relief that accompanies finishing your essay replaced by the realization that you still need to track down references for your source material. One useful approach is to start a separate document entitled 'references' as soon as you start working on your essay and add each source to it as you read it. You might also find it useful to keep a separate list of literature that you want to read but have not yet found, just as a reminder.

You will find some information on effective note-taking techniques in chapter 9.

### 13.3.7 Planning a structure

The structure of the essay is important as it is this that determines the coherence of your argument. Determining the best structure involves deciding which points should be grouped



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together into a paragraph and the order of these paragraphs in relation to each other. In other words, you need to decide on the content of each paragraph and then fit these paragraphs together so that they present a logical line of argument. It is useful to give at least some thought to this during the research stage so that you have an idea of how your points fit together before you start to write.

As your research progresses and you gather a detailed set of notes, you should develop some idea of the points that you want to make in your essay. If you organized your research by issue as illustrated in Figure 13.4, you should find that your notes are already arranged into categories that can help you to determine the content of each paragraph. This is just a starting point so be prepared to make some adjustments when dividing your points into paragraphs when you come to write your essay.

There is a more detailed discussion on creating structure within a paragraph in section 13.4 on writing an essay later in this chapter.

It is a good idea to create a working structure for your essay as you are conducting research as it will give you an idea of how all your ideas fit together and help you to identify any gaps in your argument that can be filled with further research. It will also reduce the amount of work that you have to do at the writing stage as you will have a preliminary structure in

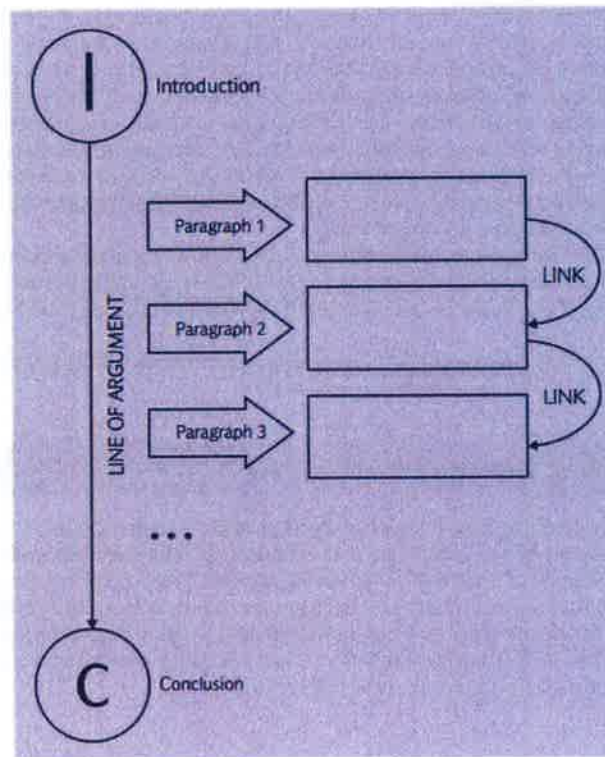


Figure 13.5 Structuring an essay

mind from the outset. Of course, it is often the case that your structure will change as you write but it is still a good idea to have a tentative idea of the shape of your essay before you start to write. One way to do this is to create a structure using the ideas for each paragraph as illustrated in Figure 13.5.

This structure reminds you that your essay must have an introduction, a conclusion, and a line of argument that runs through it whilst giving you space to label each paragraph according to its content or purpose. You can then use each label as a heading on a separate sheet of paper and make a list of the points that you plan to include in that paragraph. Alternatively, you might want to start by making a list of all the points that you want to include in your essay and then group them into paragraphs before deciding on a label for the paragraph and putting the paragraphs in order. The presence of the arrows acts as a reminder that each paragraph must be linked to the next and/or back to the question. You might find it helpful to add a few words to your plan to capture the nature of the link.

*There is a discussion on the use of signposting words and phrases to create links between paragraphs and between your essay and the question in section 13.4.4.*

### 13.3.8 Planning and drafting

Activities that you undertake during the preparation stage should make the writing a draft of your essay much easier as you will have your source material to hand and a good idea of how your points will be organized in your essay. However, this does not mean that you should treat preparation and writing as separate activities to be undertaken consecutively—it is actually a good idea to start drafting parts of your essay as soon as you feel able even if you are still following up some lines of research for other parts. Not only will the process of writing help to develop your ideas, it may enable you to identify gaps in your research or even new lines of investigation. Moreover, the sooner you start writing, the more time you will have to redraft your essay and refine your arguments.

Some students delay the start of the writing process and, as a consequence, are left with insufficient time to produce a polished piece of work. There is nothing worse than having to submit work that you know is something less than your best effort because you have run out of time.

*There is a discussion of techniques that you can use to get started with writing in section 13.4.2.*

## 13.4 Writing the essay

Once you have researched the topic, gathered your material, and put together a preliminary plan of your essay, it is time to start writing. This section will discuss the factors that contribute to the construction of a successful essay. It will start by outlining the key components of an effective introduction and set out some strategies for constructing paragraphs before moving to consider the need to achieve an appropriate balance between description and analysis. It will then address techniques for creating a focused and flowing essay before ending with an exploration of the characteristics of a strong conclusion.

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13.4.1 Writing an Introduction

It should go without saying that the first paragraph of your essay should be an introduction that unpicks the question and explains how it will be tackled but a great many undergraduate essays simply launch straight into the first substantive point without any attempt at an introduction. This may be an accidental omission by students who do not understand how to create an introduction and who believe that their first paragraph is actually fulfilling the role of an introduction. Alternatively, it may be a deliberate omission by students who have sacrificed the introduction in order to meet the word limit in the belief that it makes no difference to the essay whether or not it has an introduction. This is a mistake. The introduction has a number of functions to fulfil, all of which are important to the overall success of the essay:

- It identifies the central subject matter of the essay
- It unpicks the question thus demonstrating to the marker that you have understood the requirements of the essay
- It sets out the issues that will be addressed in the essay in order to answer the question which gives the marker an idea of what to expect in the essay
- It may give an indication as to the conclusion that is reached in the essay (although opinion is divided on this point)

In essence, then, the introduction gives the marker an instant impression of whether you have understood what the question requires and an indication of the points that you have included in your essay. This is why, from a pragmatic point of view, it is important for you to provide an introduction and to make sure that it is a good one: first impressions count so make sure that the first impression that your marker has of your essay is one that shows you are going to discuss appropriate subject matter in an organized manner. You will find an explanation of how to do this in Table 13.1 in response to the question: 'Discuss the extent to which the legitimacy of judicial review depends more on advancing constitutional values than accountability to the political process'.

Table 13.1 Structuring an introduction

Line	Role	Example
Your first sentence should grab the marker's attention.	Your marker has to read your essay but you should strive to make him want to do so by making your first sentence one that identifies the theme of the question in an interesting way or that shows you are engaging directly with the question. Under no circumstances should your essay start with the words 'this essay': it is very dull!	The legitimacy of judicial review depends more on advancing fundamental and enduring constitutional values than in accountability to the political process.
The next sentence establishes the specific focus of the essay question.	This sentence can start with 'this essay' as its role is to explain to the marker the objective of your essay.	This essay will consider this position and question how the courts in judicial review cases give effect to the constitutional values on which it is based.

(Continued)

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Table 13.1 (Cont.)

Line	Role	Example
The next sentences should set out how the objective of the essay will be established.	This gives the marker an indication of the content of your essay and the structure that it will take. In essence, this aspect of the introduction tells the marker what to expect in your essay.	In order to do so, it will first analyze the constitutional values of doctrine of separation of powers, the rule of law, and parliamentary sovereignty as they are effected by judicial review. It will examine the nature of judicial review in the context of political accountability and the relationship between Parliament, the executive, and the judiciary. Finally, the relative strengths of these sources of legitimacy will be considered in the light of the proposition along with any arguments to the contrary.
Some lecturers like the final sentence of the introduction to give an indication of the conclusion. Be aware that some lecturers really dislike this, believing that the conclusion belongs at the end of the essay only. It would be worth checking with each lecturer to see if they have any strong preferences.	This ensures that the introduction provides a complete snapshot of the essay by giving the marker an insight into your conclusion right from the start.	Although there are contrary perspectives, it will be argued that judicial review upholds the rule of law, the separation of powers, and parliamentary sovereignty protecting, in turn, the fundamental values of legitimacy, justice, and fairness which are the primary sources of the legitimacy of judicial review.

Many students prefer to write the introduction to the essay at the end of the writing process so that they can reflect what is actually in it. This can be a useful approach because the eventual content of your essay may be different to your planned essay as your ideas evolve once you start writing. However, there is no harm in writing a draft of an introduction at the beginning so that it is always taken into account in the overall word limit. You can always amend it once the essay is finished.

### 13.4.2 Start writing

It is very frustrating to be in a situation in which you know that your essay deadline is approaching but you feel unable to start writing. There can be a number of reasons for this:

- **I don't know enough about the subject matter to start writing.** Be realistic. If you have done a lot of research, you should have sufficient source material to start to write even if there are still a few elusive sources that you have not been able to track down. You cannot expect to find everything that has been written on the subject matter so you may have to start writing on the basis of what you have been able to find. Of course, if you have only read a couple of sources, it is likely that you are right and you are not yet ready to start writing so keep going with your research until you feel better prepared.



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- **I don't know where to start.** This is quite common and can be very frustrating. You have done all your research, it is organized into issues and you have broken it down into paragraphs but still the words will not come. One way around this is to write something that you know will have a place in your essay: it might be a definition of a key concept, a summary of the views of a particular theorist, or an outline of a relevant criminal offence. In other words, write content without context, i.e. without knowing where your words will fit in the essay, just so that you get over the block of staring at a blank sheet of paper or empty computer screen.
- **I can't write because I don't understand it.** Obviously it is not a good idea to start writing an essay if you have not yet understood the subject matter. Try to find a really simple explanation in a basic textbook, perhaps even using one that is not intended to be used at degree level. Once you have got the basic idea, you can revisit the section in your set textbook and see if it makes sense. Alternatively, you may have to ask a lecturer for help but remember that this may not be forthcoming in relation to assessed coursework. You could also try to write the parts of the essay that you do understand—it is sometimes the case that this will make things click in your mind and it will all become clear.
- **I just can't write.** Sometimes, the requirement to write in quite formal language can be off-putting so try writing in a way that is easier for you just to get your ideas flowing. One way of doing this is with free-flow writing.

You may find the following suggested approach to be useful in overcoming writer's block.

- Get a blank sheet of paper or open a fresh document on your computer.
- Write a trigger word or phrase at the top of the paper or document. This can either be a key term relevant to the essay or some idea that you want to put in it such as:
  - The aim of my essay is to . . .
  - In the first paragraph, I am going to explain. . .
  - The main argument that I want to make is. . .
  - What is it that I'm trying to say?
- Set yourself a short period of time—one or two minutes is plenty—and start writing. Do not worry about how you express your ideas or the order in which you make them. Just get your thoughts down on paper so you can see them.
- Make sure that you keep writing for at least the period of time that you have set yourself even if you feel as if you are writing nonsense. However, if you find that you still have points to make when the time is up then be sure to keep writing until you have exhausted your ideas.
- When you are finished, review what you have written. You should have produced something that captures your ideas in ordinary language but you can easily reword them into a more appropriate written style. You will probably need to reorganize your ideas too. This is fine. At least you are writing and getting your ideas down on the page.

### 13.4.3 Creating paragraphs

Paragraphs are the building blocks of your essay. They divide your essay into smaller, easily-digestible chunks with each one containing a separate idea or argument. Each paragraph should follow on logically from its predecessor and lead into the paragraph that

follows it. In other words, there should be a sense of logical progression to your essay as your paragraphs are organized in such a way that each one contributes to the construction of a flowing line of argument.

This idea that each paragraph should contain a separate idea or argument does not really give a clear idea of how much detail should be in each paragraph. In fact, one of the commonest questions asked by students on this topic concerns the ideal length of a paragraph. This is a difficult question to answer. On the one hand, a paragraph should be as long as it needs to be in order to explain its argument but, on the other hand, it can be really hard work for the marker to read paragraphs that are pages long so many markers would say that there should be at least two paragraphs on every page of your essay. One technique that is quite widely used to determine the content of a paragraph is the PEE technique (point, elaboration, example) which has been modified here by the addition of a fourth characteristic (link) to create the PEEL technique:

- **Point.** A paragraph should start by outlining its central point
- **Elaboration.** The sentences that follow should expand on this point to explain it in greater detail
- **Example.** This provides support for the argument that you are presenting to make it more convincing
- **Link.** The final sentence should either relate to the point made, back to the question, or provide a link to the next paragraph.

*You will find a more detailed discussion of paragraphing in chapter 10.*

### 13.4.4 Signposting

Signposting is the process of making your essay clear to the reader. It refers to the words and phrases in your essay that explain the significance of your points. In essence, signposting words and phrases create focus (by linking your points to the question) and flow (by explaining how each paragraph relates to the next).

One way in which signposting is useful to the reader is in indicating the big ideas and themes in your essay. This is the equivalent of this book stating 'this chapter will deal with coursework' or 'this section explores issues associated with planning your essay'. This sort of signposting involves phrases that give the reader an insight into the overall focus of the whole essay or the next significant section of your essay and creates a strong structure for your work:

- The central focus of this essay is. . .
- The main theoretical perspectives examined in this essay are. . .
- The first section of this essay will be a review of the literature that examines. . .
- Having discussed [insert topic], it is now necessary to consider. . .
- The main argument that emerges from the case law is. . .

Signposting is also commonly used to communicate the relationship between different points and ideas to the reader. You might think that this is unnecessary and that the links are obvious but remember that you see your own work with full knowledge of the thinking behind it which gives you an advantage over your reader who has only the words on paper to rely upon. What seems obvious to you is therefore far less obvious to the reader so it is a good idea to add signposting to your essay so that your meaning is clear to the reader. The

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importance of signposting to indicate the relationship between points raised in your essay is demonstrated in the following example:

- Croall<sup>3</sup> states that technological change affects opportunities for crime, the forms of crime that are prevalent, and patterns of crime. Heidensohn comments that criminality takes novel forms from time to time

What is the relationship between these sentences? Do Croall and Heidensohn agree or disagree with each other? Is the essay presenting two opposing views or is it using two viewpoints in conjunction with each other to strengthen the argument? These questions can be answered without difficulty with the insertion of a single word.

- Croall states that technological change affects opportunities for crime, the forms of crime that are prevalent, and patterns of crime. Moreover, Heidensohn comments that criminality takes novel forms from time to time
- Croall states that technological change affects opportunities for crime, the forms of crime that are prevalent, and patterns of crime. However, Heidensohn comments that criminality takes novel forms from time to time<sup>4</sup>

The use of the word 'moreover' indicates that the points are to be read in conjunction with each other with Heidensohn's point adding support to Croall's view whereas the use of the word 'however' indicates that the two views are incompatible with each other.

As this example illustrates, a single word can add a great deal of clarity to your writing. Table 13.2 sets out the different roles played by signposting words and phrases in signalling the relationship between the points made in your essay.

**Table 13.2** Signposting words and phrases

Agreement or similarity	moreover, also, similarly, in addition, furthermore, additionally, as well as, what is more, in the same way, likewise
Disagreement or contrast	however, nevertheless, on the other hand, conversely, by contrast, but, yet, by comparison, although, alternatively
Providing exemplification or explanation.	because, due to, as a result, owing to, by virtue of, as a consequence of, therefore, thus, particularly, hence, by way of illustration, including, especially
Reformulating or reiterating an idea	in other words, in essence, that is, in simple terms, to clarify, rather, to paraphrase, to reiterate
Enumerating and sequencing.	there are a number of considerations, firstly, secondly, finally, subsequently, consequently, before, eventually, first and foremost
Providing examples	to illustrate this point, for example, for instance, this can be demonstrated, such as
Summarizing	in conclusion, in summary, finally, hence, as an overview

3. H Croall, *Crime and Society in Britain* (Longman 1998).

4. F Heidensohn, *Crime and Society* (Macmillan 1989).

### 13.4.5 Description versus analysis

Earlier in this chapter, it was said that a successful essay is one that answers the specific question asked rather than discussing the topic in general terms. In order to answer the question, your essay must be analytical rather than merely descriptive. A descriptive essay is one that explains the key concepts whereas an analytical essay moves beyond this to investigate how those concepts operate or relate to each other, depending on the requirements of the question. For instance, if you were answering the question about judicial review that was used as an example in Table 13.1, a descriptive approach would explain what is meant by judicial review, Parliamentary sovereignty, the rule of law, and the separation of powers, but would not do enough to discuss how judicial review gains its legitimacy from furthering those constitutional values.

It is understandable that students often produce very descriptive essays, especially in the early stages of their legal studies, because it is far easier to describe than it is to analyze. Every textbook in law will provide its own descriptions of core concepts so all that is required is that these descriptions are read and reworded in your essay. Textbooks are far less likely to provide inspiration for the analysis part of an essay because the question will have been set by your lecturer to test your powers of reasoning and your ability to criticize and appraise issues in law. Many students lack the confidence to do this, particularly if they cannot find any source material to rely upon, and so fill their essay with description, often only trying to explain how this answers the question in the final paragraph.

Descriptive essays are limited in the success that they will achieve. It is essential that you create an essay that is a combination of description and analysis. You will be better able to do this once you have a good understanding of the clues provided by the wording of the question that will indicate what concepts need to be described and what direction the analysis should take. You can do this by using the 'do what to what?' technique. This asks 'what does this essay require me to do (skill) with what concept in law (description)?' as is illustrated in Figure 13.6.

This will give you a clear idea as to what needs to be described and what needs to be analyzed:

- Do what? Outline
- To what? Approaches to statutory interpretation in England and Wales
- Do what? Comment
- To what? The extent to which they allow judicial law-making

Of course, the success of this method rests on your ability to recognize what the words used in the question require you to do in your essay. The words which give you instructions are called process words and these are best understood by considering the work of educational psychologist, Benjamin Bloom. He conducted research into the skills demonstrated by students in their essays, divided them into six categories and arranged them in a hierarchy to demonstrate their importance and complexity as illustrated in Figure 13.7.

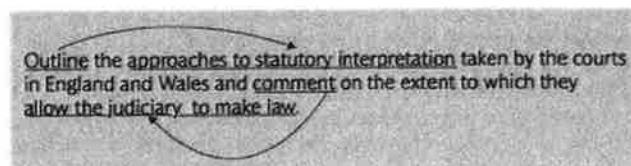


Figure 13.6 'Do what to what?'

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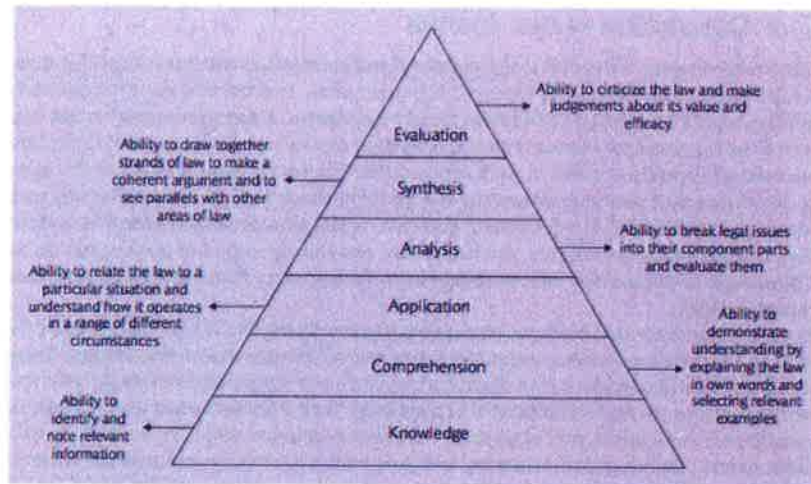


Figure 13.7 Bloom's taxonomy

Bloom described knowledge and comprehension—the two categories of skills at the bottom of the hierarchy—as lower-order skills because they are easier to demonstrate. By contrast, the higher-order skills of application, analysis, synthesis, and evaluation are harder to master and provide evidence that the student is able to *use* knowledge rather than simply to acquire and repeat it.

To take a very basic example, if you needed to drive to a new area that you had not visited before, you would be able to demonstrate *knowledge* by finding a map of the area and *understanding* by explaining the route to another person, but application would be demonstrated by actually reaching your destination. Once there, you might want to *analyze* how useful the route was and, ultimately, decide whether to use it again or to find an alternative.

You can identify the skills that are important within an essay by the process words that are used in the question. Table 13.3 identifies some of the process words commonly associated with each of the categories of skills and provides some elaboration on what each of these requires from the writer of the essay.

Bloom's taxonomy demonstrates the point that a successful essay rests upon more than mere identification and explanation of the relevant theory or literature relating to a particular topic. The lower-order skills are considered to be more straightforward and easier to demonstrate, so an essay which moves beyond knowledge and comprehension to demonstrate higher-order skills is likely to be more successful. That does not mean that the lower-order skills are unimportant or should be omitted, merely that they should be considered the foundation upon which a demonstration of higher-order skills is based. In other words, you need to be able to describe the state of the law in order to analyze it.

It is essential that you remember that a successful essay requires an appropriate balance between description and analysis. An essay that is heavily descriptive does not demonstrate sufficient higher-order skills to achieve a high mark whilst an essay which contains insufficient description will also struggle because analysis needs to be based upon a foundation of description in order to make sense. For example, you could not comment on the accuracy of measurement of recorded crime without first describing the methods by which crimes are recorded.



**Table 13.3** Skills and process words

<b>Skill</b>	<b>Indicated by . . .</b>	<b>Example</b>
Knowledge	Words that invite a factual or descriptive response or a straightforward statement	describe, define, outline, state, identify, list, what, how, when, which
Comprehension	Words that require an explanation, interpretation, or the ability to extrapolate key information	explain, use examples, summarize, paraphrase, interpret
Application	Words that suggest the need to apply theory to different circumstances or to predict how such theories would react to a new situation	apply, demonstrate, advise, predict
Analysis	Words that indicate that a legal principle should be broken down into its component parts and subjected to close scrutiny	analyze, assess, consider, measure, quantify, how far
Synthesis	Words that indicate the ability to draw together strands of an argument and to identify similarities and differences	justify, compare, contrast, distinguish
Evaluation	Words that indicate that whether a response to a particular issue is effective, consistent, moral, desirable, better than before, or a useful solution to a particular problem	appraise, criticize, evaluate, comment, reflect, discuss, how effective

Achieving the right balance between the two is a difficult task as there is no magic formula that sets out the appropriate contribution of each to an essay as this will vary according to the question. The most effective rule to apply is to include sufficient description to support the analysis; in other words, describe things that need to be understood so that the discussion will make sense to the reader.

### 13.4.6 Writing a conclusion

As with the introduction, the conclusion plays a crucial role in your essay and yet it is often absent thus leaving the marker with the distinct feeling that the student just stopped writing when they ran out of time, inspiration, or words.

Remember, the conclusion is the last thing that your marker reads before he starts deciding what grade to award. Make sure that they are left with a good impression of your work by ensuring that it has a strong conclusion that ties together the strands of the argument that you have outlined in your essay to create a direct response to the question. This should include the following:

- A statement of the aim of the essay
- A brief reminder of the arguments that you have presented
- An evaluation of which of any opposing views is to be preferred
- A direct answer to the question

Your conclusion should not, as a general rule, introduce any new material that has not been discussed in the body of your essay, although it can make reference to a point that has not been discussed if it is simply there to emphasize your conclusion.

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### 13.4.7 Remember your assessment criteria

Assessment criteria have an obvious importance to your essay as they are the criteria against which it will be marked. You should therefore make sure that you understand how essays are marked at your institution and what is expected of you. Assessment criteria tend to be agreed on a department-wide basis and identify the factors that your marker will be looking for in your essay. You may find these on an assessment feedback form that may be attached to your work when it is returned to you. It is often the case that the relevant criteria are listed and accompanied by a series of tick boxes in which the marker can indicate your level of achievement in each area (see Figure 13.8).

By looking at the categories that are listed on the form, you can identify what skills are being evaluated in your work and try to ensure that these are demonstrated. Another approach that is used to communicate the assessment criteria to students is to categorize the level of skills that are expected in work that falls within a particular classification. This is demonstrated in the example shown in Figure 13.9.

	Weak	Below Average	Satisfactory	Good	Excellent
Critical analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Referencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Written style, grammar and punctuation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Figure 13.8 Sample assessment criteria

#### **FAIL:** Less than 40%

A weak answer that fails to address the question posed and which shows inadequate understanding of the subject area. Little or no evidence of reading or research and reference to irrelevant materials. Significant weakness in presentation and organization as well as numerous errors of grammar and punctuation.

#### **PASS, THIRD CLASS:** 40–49%

A fair answer that provides some material of relevance to the question posed and which shows some limited understanding of the subject area. There may be some reference to supporting materials but little, if any, attempt at analysis; a highly descriptive answer with some errors and omissions. Presentation and organization are likely to be poor and there may be significant errors of grammar and punctuation.

#### **LOWER SECOND CLASS:** 50–59%

A satisfactory answer that covers a fair degree of the material of relevance to the question albeit in largely descriptive detail. There may be an attempt at analysis that is either ineffective or fails to get to grips with the issue at the heart of the question. There should be evidence of a reasonable level of understanding and an ability to incorporate some supporting materials into the answer. There may be some grammatical and presentational errors but these should not be widespread.

Figure 13.9 Example assessment criteria by classification

There are, therefore, various methods that can be used to ascertain what skills and competences you need to demonstrate to impress your lecturers with the quality of your essay. For some reason, students often fail to take these matters into account and continue to produce essays that comply with their own personal view of a good essay. This can be extremely costly in terms of lost marks if their view does not coincide with what the lecturer considers to be a good essay. Lecturers are looking for a combination of legal knowledge and an ability to use it and thus are likely to consider the following factors to be important:

- The relevance of the material included and the arguments put forward to the question
- Evidence of comprehension and an ability to analyze the law
- A strong structure and clear and logical organization of material
- Evidence of research and incorporation of wider reading into the essay
- An appropriate written style with good grammar and punctuation
- Full and accurate referencing including a bibliography
- Good presentation

## 13.5 Polish

It is a mistake to think that your essay is finished as soon as you have written the final word: this is just a first draft and there is still work to do to ensure that the work is ready for submission. This section covers a range of activities that should be done at the final stage of the essay-writing process to ensure that you produce a piece of work that is expressed with clarity, that develops a logical line of argument, and that has had sufficient attention paid to all aspects of its presentation. You should allow yourself plenty of time to do these things so do not leave it until an hour before the submission deadline.

### 13.5.1 Meeting the word limit

It is usual for each piece of coursework to have a maximum word limit that must not be exceeded. Many universities have a policy of imposing a penalty, usually a deduction of marks, on work that exceeds the word limit. Students often struggle with word limits, viewing them as an annoying restriction that stops them making all the points that they want to make in their essay but it is important that you ensure that your work does fit within the word limit.

So, what should you do to ensure that your work adheres to the word limit? The first step to take is to ensure that you know what the word limit is and what content counts toward it. The bibliography is usually excluded from the word count but what about the footnotes? You must find out what the regulations are on word count in your university because an inadvertent contravention of the rules will still attract a penalty.

There is some difference of opinion amongst lecturers and students about whether you should try and work to the word limit as you write or whether it is preferable to get all your ideas down as you want them to be and then redraft your work to fit the word limit. This is a matter of personal preference but each approach has advantages and disadvantages as you will see from Table 13.4.