

How to study law

HOW TO WRITE AN ESSAY

The key point when writing an essay is to have a point. The trap into which many students fall is simply writing one thing after another as fast as possible (in examinations) so as to fill as many answer booklets as possible in the time allowed. This is not the best way to proceed.

Summary

- Have a point – i.e. have a thesis
- Develop your thesis throughout your essay
- Have a structure
- Write interestingly
- Answer the question

Disclaimers

1. This bit does not undertake to ensure that you write a perfect essay: instead it gives you some advice as to how you should do it.
2. I am certainly **not** in any way telling you that this is the only way to write an essay, or that you **must** do it this way. Instead, I am trying to make some suggestions which might help you to improve your essay writing. Ultimately, your education is about you finding your own way to improve your own mind through your studies: we academics are here to help and advise – not to make you think in one particular way.
3. All of the suggestions I make must be applied in the context of whatever you are studying. It is likely that no single method will work for all subjects in the same way: instead you will need to find your own way in each situation, but these pointers might help you to get there.

The need for a thesis

A good essay should have a *thesis*: that is, an argument which it seeks to defend, advance or even attack. You should not mindlessly advance a thesis and ignore all counter-arguments: rather, a good scholar will advance her thesis while also acknowledging any shortcomings or counter-arguments to that thesis.

You should develop your thesis from your own views about the material you are studying; or alternatively adopt a thesis from the journal, textbook or judicial literature (always citing your source). One clever shortcut is to scour the academic literature for a

writer who has a fixed view of their own, and adopt that view: look for academics who start their articles with expressions like “There are three reasons why Hart’s theory is deficient...”: that will give you a structure immediately.

A good essay will often include literary devices like *sustained metaphors*. A sustained metaphor is an idea which runs through the essay

And, last but not least, a good essay will always *answer the question*. It is common for essay titles to take a strong position (e.g. “The Egg Act is useless”; “The decision in *X v Y* suggests that the law on eggs is hopeless”) or to suggest a view in one direction or another precisely because that encourages you to take up a strong position and so write a more interesting essay.

Develop your thesis through your essay

The need for a structure

Another thing that can go horribly wrong for students, particularly in exams, is waffling. Waffling refers either to writing things which are irrelevant or simply writing random ideas down and hoping that it looks OK in the end. Let us focus on the random writing. It would help to think of this as “Jackson Pollock writing”. Jackson Pollock was an abstract artist who “painted” by dribbling paint onto large canvases: Google Images his name and you’ll see what I mean. Now, if your content is brilliant, then fans of modernist art might like your essay: but, frankly, if you’re reading this, it’s possibly the case that you’re not brilliant. In which case you definitely need to have *structure*. That means, you need to organise your argument in some way. Here are some ideas for structuring your essay.

Doing it French

Many French universities take a very dogmatic way as to how you must write your essay. While we do not want to be that dogmatic, we might choose to borrow their structure. A French essay will have an introduction (containing a thesis) and then it will divide into two halves: the first half contains a discussion of the thesis, whereas the second half contains the counter-argument (or anti-thesis), before a concluding section. So, one way of writing an essay would be to identify two competing points of view and to set out those points of view in some detail: identifying the thesis and anti-thesis as you go.

The Oxford method

It is a rumour (I don’t know whether or not it’s true) that the Oxford method of writing an essay is to have 10 excellent points and to make them one after the other. Two big problems arise with this method. First, it runs the risk that your essay is simply a list of unrelated points without a thesis: so, you must make sure you “include some mortar”, as discussed below, so as to develop a thesis through your ten points. Secondly, it requires

that you can find 10 excellent points: again, you will need to scour the textbooks, cases and literature to find ten excellent points.

Write interestingly

This might seem obvious, but many law students simply do not try to write interestingly. Just because Acts of Parliament do not have many jokes in them, that does not mean you have write about them in a tedious way.

Examples of essays

I am not about to give you examples of good and bad law essays here. Instead I want us to think about what an essay is (or could be) by looking at some examples of essays generally. So let's take some openings to essays and novels, and consider some structures for essays too.

Openings

One way of starting well is to paraphrase the opening to a well-known novel or essay.