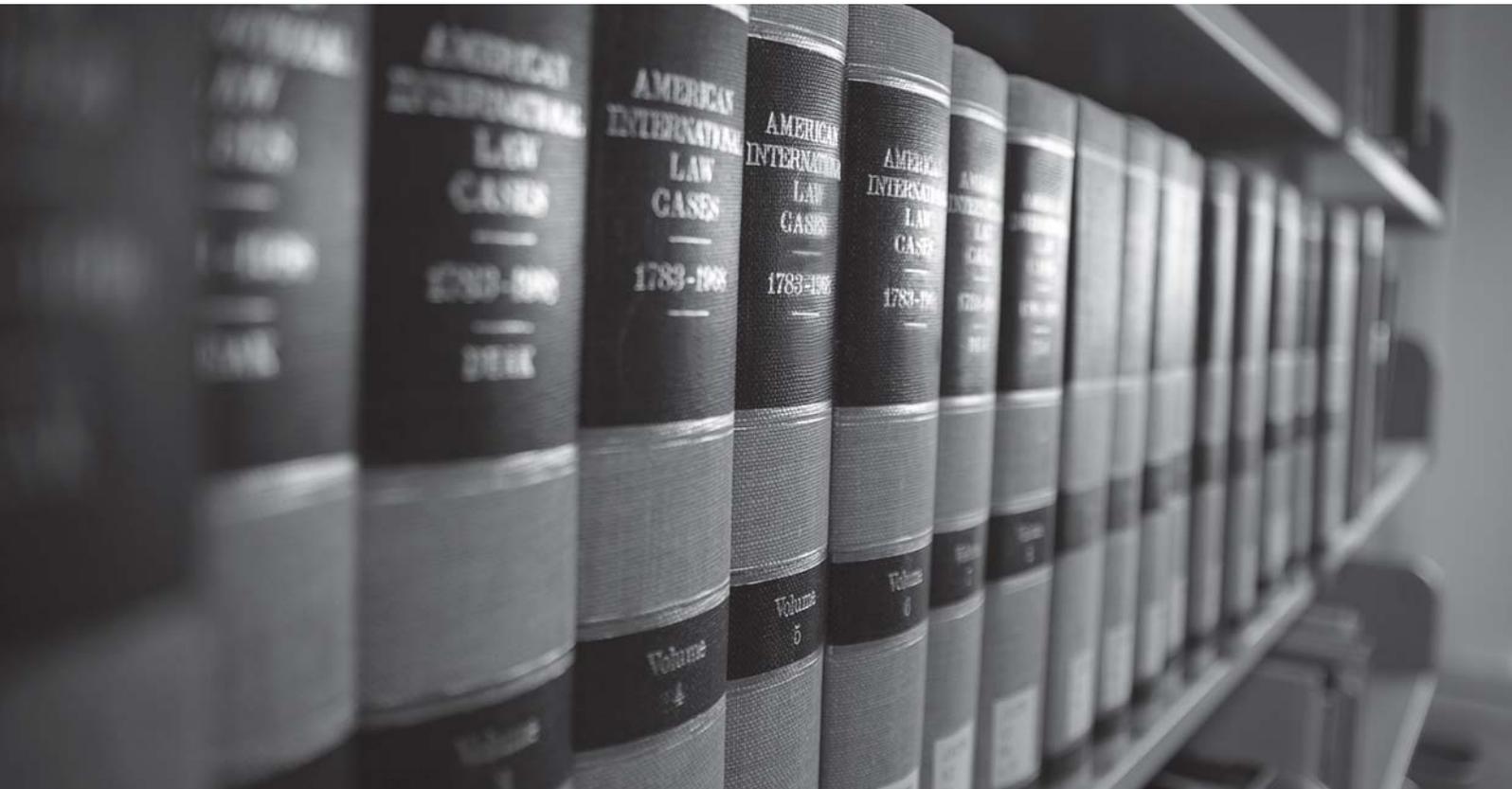


Writing Guide 2: Writing a Research Paper



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and

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This guide is also available in electronic form on the School of Law's web pages

www.le.ac.uk/law/

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THE WRITING GUIDE

WHO SHOULD USE THIS GUIDE

This guide is written for undergraduates preparing dissertations and for postgraduates writing research papers in their taught modules and their dissertation. Its guidance is relevant to students on both campus-based and distance-learning programmes.

There is a companion guide entitled *Writing an Assessed Essay*, which is designed for undergraduates writing assessed essays in their modules, and writing practice essays.

Though this guide may be of considerable assistance to MPhil and PhD students, it has not been written with such advanced students in mind.

When writing any research paper, you should always consult the relevant regulations, any Code of Practice applicable to your programme, your Undergraduate or Postgraduate Handbook, as appropriate, and any specific guidance provided in relation to the module for which the paper is being written. Follow any specific guidance for your assessment task in preference to the general guidance given in this guide.

This guide sets out the law school's expectations about the style and presentation of research papers and dissertations. There is no reason why, as a consequence of following the advice in this guide, your research paper cannot be very well presented, and properly referenced. If you follow this guide, you will produce a paper which is well organized, clearly presented, and correctly referenced.

Achieving a good writing style and critical engagement with the subject matter of your research paper is more difficult. That will develop the more you read, the more you write, the more you work at your writing, and the more you listen to and reflect upon the feedback you receive on your written work.

The guidance we offer is not the only way to set about writing a good research paper, but it is one commonly adopted method for the completion of the task. While you are free to depart from the methodology for writing a research paper or dissertation offered here, the formal requirements set out in the guide have been adopted by the law school as that required for presenting and referencing your written work.

THE REQUIRED SYSTEM OF CITATION

The law school has decided that the *required* system of citation for all work done by undergraduates and postgraduates in the law school is **The Oxford Standard for the Citation of Legal Authorities**. This is known as OSCOLA. All examples given in this guide follow OSCOLA.

The web link to OSCOLA is:

denning.law.ox.ac.uk/published/oscola.shtml

where you will find the latest version of OSCOLA.



UNIVERSITY AND LAW SCHOOL PROCEDURES

This guide does not include direct reference to many University and law school procedures and regulations, since these can change or be revised from time to time.

It is your responsibility to familiarize yourself with these procedures and regulations. Most will be covered in your Undergraduate or Postgraduate Handbook and in University Regulations, which you receive when you register for your programme. Most are also available online. You are deemed to know the contents of these documents.

THE LAW SCHOOL'S EXPECTATIONS

In assessing your work, we will assume that you are presenting a serious piece of work in which you seek to establish a well-defined thesis. We will want to see evidence that:

- You have read the key sources relevant to your topic with a questioning mind.
- You have demonstrated an understanding of the material or arguments contained in your main sources.
- You can relate general theory to specific examples.
- You can be discriminating in the use of the material that you have read.
- You have an appropriate sense of relevance.
- You can construct a reasoned argument, taking account of differing points of view.
- You have presented your work in accordance with the guidance set out in this writing guide.
- You can reference your writing in accordance with the standard conventions for the discipline, namely the Oxford Standard for the Citation of Legal Authorities.

We will also want to see that you have engaged in critical writing, which requires you to have engaged in critical reading in preparation for the written work that you offer for assessment.

An appendix contains guidance prepared by the University's Student Learning Centre on what constitutes critical writing.

AVOIDING PLAGIARISM

Plagiarism is the presentation of the thoughts or writings of others as your own. It is a form of cheating. Whenever you draw on the ideas of others, you must say so. The common form of acknowledgement is the citation of the source in a footnote.

Please read the University's statement on academic dishonesty in the Undergraduate or Postgraduate Regulations, and the section on plagiarism in your Undergraduate or Postgraduate Handbook.

Plagiarism can take many forms. All forms of plagiarism are taken seriously. The law school has prepared an online tutorial on how to avoid plagiarism, and all those using this guide are advised in the strongest terms to complete that tutorial. Some programmes require you to sign to acknowledge that you have completed this tutorial before handing in your first assignment.

The online tutorial can be found at:

connect.le.ac.uk/plagiarismlaw/

If you remain unclear about what constitutes plagiarism, do consult your module tutor or your course director.



Everyone knows that it is cheating to copy someone else's work whether it has been published or not. So copying a fellow student's work is just as much plagiarism as copying out of a published book.

Rather more complex is the extent to which you can rely on the work of others. The following guidelines may help you to develop a proper sense of when you need to acknowledge a source:

1. Part of the task of research is to collect together a range of ideas and to take account of them in forming your own ideas. You should include all the key books and articles you have used to collect that range of ideas in your bibliography (if one is required), regardless of whether you have referred to them expressly in your text.
2. You must include a reference to specific ideas or conclusions of others on which you rely by the use of an attributed quotation or the reporting of the idea or conclusion in a reference like a footnote.
3. Do not assume that, because a text has not been referred to by your tutors, they are unaware of its contents. It is generally easy for tutors to spot material which is not your own, either because they are familiar with the source or because your writing style suddenly changes. Some of your assessed work will be submitted to a plagiarism detection service.

If your work is found to contain plagiarized material, you will be subject to investigation under the University's procedures for dealing with suspected cases of plagiarism. If found guilty of plagiarism, serious consequences ensue. The professional bodies may take the view that someone found guilty of plagiarism is not a fit person to become a solicitor or barrister.

THE KEY STAGES

Writing a research paper or dissertation can be divided into a number of tasks:

- Selecting the topic.
- Researching the topic.
- Analysis and planning.
- Drafting and re-drafting.
- Editing.
- Preparing the final text.

SELECTING A TOPIC

FROM A SET LIST

In some modules, you will be offered a list of questions from which you can choose. Remember that those who have set these questions have done so with great care, and the setter will have a clear notion of the ideas and content you are expected to cover in responding to the particular question. But this is not to say that there is a predetermined 'right' answer to the question, though there are limits on the range of responses legitimately available. You cannot re-write the question to suit your own preferences.

In selecting a question from a set list, consider the following:

1. What is the general area of content demanded by the question?
2. What are the specific concepts on which the topic is focused?
3. What conclusions are to be drawn? You will almost always be asked to make a judgment on a topic.
4. What aspects of the discipline are being covered?



Bearing in mind your reaction to the above issues, choose a title which reflects your own interests and the time and resources at your disposal to complete it.

Keeping in mind the notions of topic area, focus, and instruction will help you to answer the question set, and to sustain an appropriate sense of relevance in your answer. **Topic area** refers to the broad area or areas of the syllabus you are being invited to consider. The **focus** of the question will indicate how you are being asked to present your knowledge of the topic area or areas. The **instruction** will specify what you are expected to do with your knowledge in applying it to the question set.

CHOOSING YOUR OWN TITLE

In some modules, and for the dissertation, you will be able, or may be required, to select your own title. This is an opportunity for you to define your own research question reflecting your own particular interests.

The first constraint is that the title must be relevant to the degree programme and module for which it is being prepared.

All research papers should be answering a question. Try to formulate your question concisely; but try also to convey the area of enquiry. Twelve or fifteen well-chosen words are better than several rambling lines of text. The title need not be in question form; it should seek to encapsulate your area of enquiry.

You may also be asked to prepare a brief outline providing a little more detail than your title. Dissertation proposals include rather more formal presentation of a proposal than a research paper in a taught module.

We will appreciate that, at the proposal level, some of what you say will be tentative, but a proposal should be worked through at a sufficient level to go well beyond simply identifying a vague area of enquiry.

Where a module offers the opportunity, or requires you, to choose your own title, keep a note during the semester about topics which interest you and seem to offer the possibility of further enquiry beyond what was considered in one or more seminars. This way, you will have a fund of ideas, when the time comes to put in your proposal.

RESEARCHING YOUR TOPIC

ARE YOU A CAMPUS-BASED OR DISTANCE-LEARNING STUDENT?

There may be some differences in the way in which you approach your research for your paper depending on whether you are a campus-based or a distance-learning student. The differences are easily exaggerated, given that so many resources in law are now available online. But we do recognize that not all distance-learning students have a University library on their doorsteps.

However, all papers will require some research. Don't ignore the material you have used in the module in which you are writing, or in the modules you have studied prior to writing your dissertation.

Consult your module tutor or course director if you are uncertain about how much research is required. Take note of any specific guidance offered in relation to the dissertation. Our programmes offer specific guidance in writing dissertations both at undergraduate and postgraduate level.



THE BASICS

Researching your topic includes:

- undertaking a literature search;
- preparing a working bibliography;
- taking effective notes.

In undertaking a literature search, remember that there are **primary** and **secondary** sources.

Primary sources are first-hand materials, reflections and statements. In law, they include statutes, cases, official reports and the results of original research. None of these is based on other written works; they are all in their original form and are your raw material.

Secondary sources discuss primary sources. They are second-hand accounts and comment on primary sources.

Of course, when such things as journal articles are taken into account, the distinction is not quite so clear-cut. A journal article containing original research is likely to contain reference to earlier literature relevant to the topic under consideration.

Your paper should draw on both primary and secondary sources. A common criticism of research papers is that authors tend to rely too heavily on secondary sources without adequate reference to primary sources. This can lead to an inattention to detail and a lack of precision in the submitted work.

THE LITERATURE SEARCH AND THE LITERATURE SURVEY

The objective of your literature search is to find as much of the **relevant** and available material on your topic as possible, while the literature survey will evaluate the usefulness of the material in the context of your research question.

This guide assumes that you are already familiar with the process of finding primary and secondary materials in the library and online. If you need a refresher, seek the assistance of a librarian or use the online resources available on the University Library website.

Do not get obsessed with information gathering at the expense of evaluation and critical thought.

If you collect material electronically—and most of us now do this at least to some extent—, then take care to distinguish your own notes from other people's material. This can be a source of 'accidental' plagiarism.

The key to a good literature survey is to make notes on the significance of material you read for responding to your research question. You may find certain key materials, some peripheral materials, and some material to discard as not relevant to your enquiry.

THE CARS CHECKLIST

Evaluating web resources can be tricky. This section describes the CARS checklist, but you may also find the following web-based resource helpful:

www.vts.intute.ac.uk/detective



The CARS Checklist¹ is designed for ease of learning and use:

- **Credibility**
- **Accuracy**
- **Reasonableness**
- **Support**

The CARS Checklist is summarised as follows on the website referred to in n 1:

Credibility	trustworthy source, author's credentials, evidence of quality control, known or respected authority, organizational support. Goal: an authoritative source, a source that supplies some good evidence that allows you to trust it.
Accuracy	up to date, factual, detailed, exact, comprehensive, audience and purpose reflect intentions of completeness and accuracy. Goal: a source that is correct today (not yesterday), a source that gives the whole truth.
Reasonableness	fair, balanced, objective, reasoned, no conflict of interest, absence of fallacies or slanted tone. Goal: a source that engages the subject thoughtfully and reasonably, concerned with the truth.
Support	listed sources, contact information, available corroboration, claims supported, documentation supplied. Goal: a source that provides convincing evidence for the claims made, a source you can triangulate (find at least two other sources that support it).

YOUR WORKING BIBLIOGRAPHY

Preparing a bibliography is different from preparing a literature survey. Even if you choose not to undertake a literature survey, you will need to build a bibliography.

Preparing the bibliography is simply recording the material you consider to be relevant to your topic in a formal way. You should record using the OSCOLA citation conventions all the materials you have read or plan to read as your research preparation for writing the paper.

Keep different materials in separate lists. So you will build up a list of primary sources, of books, official reports, chapters in books, articles in journals, of research reports, and of websites visited. The more care you take to list these under appropriate headings, the more likely you are to be able to find them later.

A good bibliography which builds throughout the process of researching and writing, is an invaluable aid to consistent and accurate referencing in the paper you will write.

¹ For more information see www.virtualsalt.com/evalu8it.htm The information in this section is drawn from this document.



NOTE TAKING

Note-taking still has a role to play in the age of the photocopier and the internet. Even if you photocopy or download lots of material and highlight it, you should still be making notes of your thoughts as you read through the material. Photocopying and downloading should not be thought of as substitutes for reading and evaluation.

Precision and relevance are the core qualities of good notes. Adopt a system which will enable you to know whether your note is a précis of the whole piece, a paraphrase of part of it, or a direct quote. If you cannot identify which when you come to use the material later, you may inadvertently plagiarise the material. This is particularly true if you take notes directly onto the computer, and cut and paste material from your notes into your essay. It is good practice to write directly quoted material in red (together with a page reference)—or to type it in italics, or in some other readily identifiable way, on the computer—so that it can easily be identified as quoted material at a later stage of your work.

How do you choose between a paraphrase and a quotation when you come across a comment directly in point which you are pretty sure you will include in your essay? A paraphrase is relevant where it is the content of the material which is important, while a quotation is appropriate where the mode of expression of the idea captures it in a particularly effective or characteristic way. In law, the quotation from a reported case also has a particular role to play as the statement of authority for a legal proposition.

EVALUATION

The importance of critical evaluation of your sources cannot be stressed too much. You will now have conducted a literature search and prepared a working bibliography. The next task is that of evaluation. If you have conducted a literature survey, you are more than half way there. This involves reducing the initial list to the materials you will use in writing the paper. The task is not entirely separate from the preparation of the working bibliography, since you will be selecting and discarding material the whole time you are engaged in a literature search.

Evaluating the bibliography involves assessing the worth of the material for the purposes of your research. The material might be directly in point, but fifteen years old. If timeliness is key to your research, this will lower the value of the material for your purposes. Material might be in point and up-to-date, but treated very briefly in one of the weekly law journals. Evaluation of material will involve assessments about the currency of the work and the standing of the author. The latter is a very difficult area, but it is one in which you will be called upon to make judgments.

Evaluation can be difficult if you are working with sources from other legal systems, since you are likely to be less familiar with those materials and there are likely to be fewer of them. This is particularly true if you are—as many of us are—dependent on materials about that legal system written in English.

HANDLING STATISTICAL INFORMATION

Your research may require you to analyse and comment on statistical information. The same attention to detail and intellectual rigour is required in the handling of this material as in commenting on cases or statutes. Be meticulous in your note taking and pay special attention to any qualifications or reservations made by those who collected the data.

If statistical information is to play a big part in your research, you will need to ensure that you have a reasonable grasp of the basic principles of statistics. A helpful introduction to the topic is:



Frances Clegg, *Simple Statistics: A Course Book for the Social Sciences*, (Cambridge University Press. Cambridge 1982). [300.727 CLE]

A more heavyweight text is:

Michael Finkelstein and Bruce Levin, *Statistics for Lawyers*, (Springer Verlag. London 1990). [519.5 FIN]

There are a number of general introductions to statistics under library classification 300.15195.

Charts, tables and graphs can often be the most effective way of presenting numerical data. Charts and graphs can be produced using Microsoft Excel and readily integrated into your word-processed text. Do not try to incorporate graphics into your word processed document unless you are confident of your abilities *and* you have a backup of the text to which you can revert if things go wrong. Alternatively tables and charts can be produced on single sheets and inserted as near as possible to the text which presents them.

Do not be overawed by statistical methodology. If you are making a simple point with simple numbers, use your common sense in preparing the chart or table. Make sure that the information is clearly presented, that the source of the data is given and that any conclusions you draw from the figures are justifiable. Discuss these with your supervisor if that is permitted.

EMPIRICAL RESEARCH

If you look up the word 'empirical' in the dictionary (OED, 8th ed, 1990) you will find the following entry:

adj. *1 based or acting on observation or experiment, not on theory.*

2 Philos. regarding sense-data as valid information. 3 deriving knowledge from experience alone.

In fact empirical research does involve a number of theoretical issues familiar to the lawyer, for example whether the research methods are deductive (inferring particular instances from a general proposition) or inductive (inferring a general proposition from particular instances). Some commentators have broadly characterised judicial reasoning in Common Law technique as essentially inductive and Civil Law technique as essentially deductive.

Legal scholarship is increasingly informed by the findings of empirical research studies. A number of the teaching staff in the School of Law have developed a keen interest in pursuing this form of research alongside monograph and textbook writing and other research efforts.

Increasingly, a number of students, particularly postgraduates, contemplate whether to undertake their own empirical research as a part of their work. There are, potentially, some considerable advantages in this strategy.

First, it is likely that if the research is properly conducted, the data obtained may rank as 'original' material. Second, the experience of undertaking such research will introduce you to some of the skills and insights of the social scientist. Third, a grounding in research methods is a significant transferable skill relevant to a range of professional activities. Finally, doing such research may simply be a very enjoyable counterpoint to the library-based activity central to the legal scholar.

However, there is a need for caution before you decide to include an empirical element into your dissertation or thesis. First of all, you will almost certainly need to obtain clearance through the School's Non-Clinical Research Ethics Committee. Ask your supervisor about this at an early stage.



The subject of 'research methodology' has a vast literature of its own. There is nothing worse than reading the results of interview work conducted by students which has been badly prepared and the results used without any regard to issues which may affect, for example, their 'validity' or 'generalisability'. There are a number of different approaches to empirical research which can be confusing to students who have no social science background. In broad terms, empirical research takes one of three forms: *quantitative* research (for example, full scale survey work using questionnaires); *qualitative* research (for example, focused interview work with a small number of respondents); and a combination of quantitative and qualitative research tools.

It is likely that a reasonable piece of empirical research will be quite time consuming. It is therefore important that you consider carefully not only what might be the appropriate research tools to use for the research question you are posing in your research paper, but also whether your constraints of time and resources will realistically permit you to undertake this work. Finally, there are often confidentiality, ethical and access issues associated with empirical research. For example, if you wished to pursue a qualitative study on the effectiveness of police domestic violence units and wanted to interview a selection of police officers and/or victims of violence, how would you go about such a task? How might you gain access to interview police officers? Would you need to guarantee anonymity to your respondents? How would you conduct the interviews and evaluate the results? Would your results be reliable and what would be the limits to which your findings could be generalised?

Students who wish to include empirical research in their research papers are encouraged to do so *but there is a special need to discuss this with your supervisor and other relevant staff in the Department at an early stage in your planning*. Modules from the LLM in Legal Research programme may be helpful if you are a postgraduate considering including empirical work in your dissertation.

EXPRESSING YOURSELF CLEARLY

Always try to write concisely, simply and clearly. Accept that you can always improve the clarity of your writing.

If you are not sure about the use of certain standard grammatical forms, refer to a useful set of short information sheets produced by the Student Learning Centre.²

You will also find some useful tips on writing plain English on the website of the Plain English Campaign.³

It is vital to proof read your research paper or dissertation, and it can be helpful to ask a friend to read through your final draft for grammar, spelling and punctuation inaccuracies.

There is considerable focus at all levels of education on what are called *core transferable skills*. These are those skills which can be learned in one context and readily be transferred to another context. The ability to express yourself clearly and succinctly in writing is a good example of such a skill. You will already have writing skills, but they can almost certainly be improved and developed.

Here are some writing hints, which you may find obvious, but assessors frequently complain that they are not observed:

- Write in complete sentences.
- Do not write very long sentences; the meaning can get obscured. A good guide is not to exceed twenty words in any sentence. Keep one idea per sentence.

² www.le.ac.uk/slc

³ See generally the website of the Plain English Campaign at www.plainenglish.co.uk/



- Use punctuation effectively; punctuation consists of more than full stops and commas!
- Use paragraphs effectively; a new paragraph signals a new idea or area of discussion.
- Pay due attention to spelling and grammar.

Research papers and dissertations must be word processed, but remember to keep backups. Learn how to word process and to present your work in an attractive and professional manner. How you present your work sends out strong signals about how much you value your work.

USING GENDER NEUTRAL LANGUAGE

A recognised feature of good modern writing is the use of gender neutral language. This means avoiding the use of male terms when the person about whom you are writing could just as easily be a woman as a man.

The use of 'he' when referring to judges, lawyers, students or any group of people is seen as re-inforcing gender stereo-typing of certain groups. The old convention that the term 'he' also included 'she' is no longer regarded as acceptable in many quarters.

The use of a plural rather than a singular will often enable the gender neutral personal pronoun 'their' to be used. So:

Lawyers are products of their background.

is preferable to

A lawyer is the product of his background.

But it is increasingly common (and *The Oxford Guide to the English Language* reports the usage as going back five centuries!) for the plural pronoun to be used since English has no singular pronoun to denote common gender. This can produce inelegant sentences.

So, some would regard

A lawyer is the product of their background

as odd. In this case using 'lawyers' in the plural avoids the inelegant language. A further alternative would be

A lawyer is the product of his or her background.

This usage is unwieldy if repeated too often, but its occasional use can be effective in showing the reader that the writer is aware that lawyers are just as likely to be women as men.

Obviously, there will be occasions where the use of the singular pronoun is appropriate:

Everyone in the women's movement has had her own experience of sex discrimination.

When creating examples to illustrate your argument, think whether all your examples from a particular group are men or women. A good piece of writing will reflect a growing concern with gender equality at all levels of our lives.



ANALYSIS AND PLANNING

THE SKELETON OUTLINE

The next phase is to plan your paper. You had an idea. You converted that idea into the question your paper is addressing. You have carried out your research. You must now convert the idea into a research paper drawing upon the relevant source material and establishing your thesis. You will almost certainly begin with a skeleton outline. Be prepared to go through many drafts of the skeleton outline. You are looking for the perfect shape and structure for your paper. Whatever the length of your paper you will want to divide your argument up into a number of reasonably balanced sections.

It will be at this stage that you may discover that you will have to abandon some part of your original idea. Many writers find this difficult. You will have done lots of work in the area to be abandoned, which will become invisible to the person assessing your work. You may develop an emotional investment in retaining such material. Yet your final paper will be more powerful if you have the courage to leave out material which does not contribute to the achievement of the purpose of your paper. Remember that the rejected material will have helped your understanding of the overall problem you are addressing. If in doubt, make a note to discuss the rejection of material with your supervisor if that is permitted.

Having decided what you will be including and excluding, prepare a list of headings and sub-headings and have a clear idea what you will be including under each. For research papers and dissertations, keep the system simple. You will almost certainly not need more than three levels of headings; try to keep to just two levels of heading. Think about the size of the sections. Think in terms of sections rather than chapters. If you divide a 5,000 word research paper into five sections, you will only have on average 1,000 words per section. Is this enough? If you think a section will take up too much space, does it subdivide into smaller sections? All this is part of the important search for the shape or structure of your paper.

Discuss your skeleton outline with your supervisor, if permitted. Be prepared to explain why this is your chosen shape. Be willing to defend the scheme, but also be flexible in listening to any suggestions your supervisor offers for your consideration.

DEVELOPING YOUR IDEAS

Developing the structure of your ideas will come as you prepare a draft of your research paper. Where you start will be a matter for you, but you need not start on the first page of the first section. You may prefer to write a section setting out the background to the problem you are exploring rather than the introduction to the paper. That may best come at a later stage, but you must remember your skeleton outline. If you find that the writing does not fit the skeleton, go back to the skeleton outline and revise it.

Remember when writing your draft that your purpose is to present a reasoned argument based on authority. The first draft is *your* first draft written as much for you as for anyone else. When you start to write, you will discover some difficult areas, you will identify sections which will need re-writing, pruning or expanding, and there will be gaps to be filled.

If you have trouble getting started, begin with a section that is straightforward and you will soon find the flow of words is there. Do not put off getting some words on the page. It is easier to polish a text than to write from scratch. As you are going along, keep track of how much you are writing. Is it too much? Or too little?

Retain a willingness to be flexible at the initial draft stage. Avoid the risk of regarding words on the page as unchangeable.



If you are writing directly onto the word processor, print out drafts from time to time, and read and edit them as you go along. Few have the ability to edit effectively on screen. Do not rely on the spell checker as the only proof reader.

INTRODUCTION, BODY OF THE PAPER, AND CONCLUSION

The *introduction* does not need to be lengthy; a short sharp introduction can be a most effective start to a research paper. The purpose of the introduction is to show the reader what you understand to be the issues raised by the question you are addressing and how you propose to tackle them. It is also the place to define any key terms, and to delimit the scope of your enquiry. It may, however, be appropriate to spell out the *implications* of your question in a little more detail in order that you can pursue your argument within a well ordered framework.

The introduction is not the place to develop your argument. Whether it is the place to give notice of your conclusion is much more contentious. Some people argue that the introduction is no place to state your conclusion. Others say that this can be extremely powerful and make the reader sit up and take notice. Even if this technique is used, you should note that the introduction is not the place to spell out the reasons for your conclusion.

The *body of the paper* contains the development of the argument and all the essential information to sustain your conclusion.

The body of the paper will be divided into a number of sections. Think about what these sections should be and begin each section with an indication of its purpose. The skilful use of headings can provide very helpful signposts to the reader here. Be consistent in the use of headings. Use examples to illustrate the points you are making and include your own comment to explain the significance of those points.

Quotations can be useful, but a paper which is merely a collection of quotations will not score highly. The key is to be selective in the use of quoted material and to weave it carefully into the fabric of your argument.

You should take care not to jump around among the issues raised by the question your paper is addressing. If you find that you are doing this, take another look at the plan and see whether there is an adjustment to it that can be made to avoid this.

One of the most important things to remember is that all statements must be supported by evidence or authority. This is an absolute must in legal writing.

Finally, you should check that the content of the main sections of your paper reflects what you have indicated you would cover in the introduction. If it does not, one or the other (or possibly both) need to be revised.

The *conclusion* draws together the threads of your argument. It does not repeat those arguments. Nor does it repeat the introduction. The conclusion should focus on the question you have set out to address and state how you have answered that question. There should be no new arguments in the conclusion.

USING HEADINGS

Your paper will be broken into sections. You should plan a system of headings. For papers up to 5,000 words, you will almost certainly not need more than two levels of headings. Be consistent in the use of headings and use them to guide to reader: headings are signposts which can indicate to the reader how the argument is developing.



For papers up to 15,000 words, you may need three levels of heading, but think hard whether you really need more than two levels of heading. The more levels of heading you have, the easier it becomes to get confused.

Using Word templates effectively keeps track of the level of your headings.

It is also helpful to set up an outline of your paper using just the headings. Most word processors do this automatically from your headings if they are identified as a style.

DRAFTING, RE-DRAFTING AND EDITING

ATTENTION TO DETAIL

Once you have completed your first draft, you can engage in self-criticism. Look over what you have written. Is it clear in its message? At this stage, you should be able to produce your main thesis in a summary form, say, 150 to 200 words. Can you do this? If so, does the paper lead in this direction? Are some sections too detailed compared with others? Are there gaps in the reasoning?

Pay particular attention at this stage to proper citation and to referencing. Take time to learn the OSCOLA system. Do not assume that referencing is simply the icing on the cake to be added at the last minute. The referencing of your paper is important from the earliest stages of drafting. Meticulous attention to detail at this stage will save time in the long run.

SUPERVISION

At this stage, you will, in some cases, be able to receive advice from your supervisor. Use this session wisely. The role of the supervisor is neither to tell you what grade your paper is likely to get nor to re-write your paper so that it will achieve a higher grade, but to sharpen your own ability to assess where the paper shows strengths and where it needs further development. The more you are willing to engage in discussion about your ideas, the more helpful you will find the supervisor's comments.

Do not ask your supervisor what mark a draft would receive if it was the submitted work. The supervisor will not tell you. Supervision is not assessment. It is designed to enable you to be critical of your work and to improve it, by suggesting avenues of inquiry, by drawing attention to those parts which need development and to those parts which are good as drafted. You must form your own judgments about the quality of your work using all the resources available to you.

SELF-ASSESSMENT

You should certainly approach the feedback session on your draft with questions of your own. Remember too that if you are not convinced by your argument, other readers are unlikely to be. The following self-evaluation questions about your text will draw your attention to important aspects of your writing:

- Are the points well developed and exemplified?
- Is there a clear thread of argument running through the paper?
- Are the introduction and conclusion effective?
- What is the balance between description and evaluation?
- Are there too many or too few quotations?
- Are there appropriate references to authorities supporting the arguments in my paper?
- Which sections are particularly interesting? Why?
- Which parts have been most difficult to express? Why?



- What, in particular, could be improved?
- Do you think it is a good piece of writing?

If you can persuade your friends to read through all or part of your paper, they can be very helpful guides to the clarity of your writing and your arguments. Friends obviously cannot assist you with the substance of your work, but advice on the clarity of the writing and argument, or even sounding them out on particular ideas, can be an invaluable part of the process of self-assessment.

PREPARING THE FINAL TEXT

THE MAIN TASKS

Moving from a draft to the final version is likely to involve a number of tasks:

- following up points that need attention as a result of discussion or consideration of the draft;
- ensuring that the paper is properly referenced;
- editing the work to ensure that it complies with any specific requirements as to form;
- adding a bibliography and tables as required.

Some of these tasks belong to the creative stage or writing, while others are ensuring the quality of your scholarship by careful and accurate referencing and attention to detail. The more meticulous you were about building your bibliography at the early stage or preparation, the more straightforward will be the production of the final text.

Research papers must be word processed. Hand-writing is not the appropriate form for work of this type. The law school has a computer officer, who can help students experiencing difficulties in using the facilities available on the campus network. If you are using your own desktop or laptop, make sure that you follow the conventions set out in this guide, and preferably use Microsoft Word to prepare your work. Above all have a sensible backup strategy. Think early on how you will print out the final paper; do not leave it until the last minute to check this if you plan to use the University's printing facilities.

A set of Microsoft Word templates for a law dissertation is available on the campus network. A guidance sheet on its use is available on the law school's web pages. Use the templates and you can be sure that your work will look attractive and conform to our expectations in terms of presentation. You can use parts of these for research papers, as distinct from dissertations. Further guidance can be found at the end of this guide.

Always have at least one backup in case things go wrong when using the computer. A print of the latest working draft can save panic at the last minute. You should also save your current work on the computer at least *every ten minutes*; you can set most programmes to do this automatically. If you do this, you should never lose more than ten minutes work if the computer crashes. Remember too to backup your work. Keep your USB stick safe if this is your backup.

If you use the campus network, your material will be automatically backed up in the Computer Centre in addition to any backup you make on a USB stick.

FORMAL REQUIREMENTS

Your research paper should be printed on A4 paper (or American letter size if you are a distance-learning student based in the United States) of at least 80 gsm using the layout, font and text size in the recommended Word templates.



Footnotes should appear at the foot of each page, and be numbered consecutively throughout the paper using Arabic numerals. Footnotes should be single spaced; they count towards the word limit. When using the word count tool in the word processing software, remember to switch on footnote counting as part of the overall word count. It is now law school policy that you declare the total number of words in your paper or dissertation. Work which exceeds the specified maximum will be penalized in accordance with University-wide conventions; there is no *de minimis* rule. It is cheating to declare the number of words incorrectly.

Requirements as to tables and a bibliography differ depending on the nature of your writing. *Course work* refers to papers required as assessment for a taught module, while *dissertation* refers to the longer piece of work that counts as a 30 credit undergraduate option and a 60 credit dissertation written after the completion of the taught components of a master's programme.

The dissertation (up to 15,000 words). Detailed guidance on layout and the order of the various parts of the dissertation can be found at the end of this guide.

Research papers (up to 7,500 words, but more usually 5,000 words). Detailed guidance on layout and the order of the various parts of the dissertation can be found at the end of this guide.

You must ensure that your paper is accompanied by the required declaration. It is law school policy that all assessed work must be accompanied by such a declaration. Your work will not be accepted without one.

Failure to comply with the word limits can have drastic consequences. You will be required to state the number of words in your essay, which directs your mind to the required word limit. It is cheating to misrepresent the number of words in your written work.

SUBMISSION DEADLINES

Always check the deadline for submission, and keep to it. The time and manner of submission are formal requirements, and must be strictly observed. If the deadline is noon and you submit an hour later, you have missed the deadline. A standard system of penalties operates in the University in relation to late submission.

Make sure that you follow to the letter the rules on submission which apply to you. If you are in any doubt about those requirements, check them with the relevant member of the academic staff. In some cases both hard copy and an electronic copy must be submitted.

We do, however, take a sympathetic view of problems beyond your control which affect your ability to submit work by the required deadline. There is a system under which you can ask for an extension of the deadline for the submission of any work. Where the reasons for the extension are health-related, some medical evidence is required to support your application. You may also be asked for some evidence of other personal circumstances which affect your ability to submit work on time. Applications for extensions are made to different people depending on your status and the piece of writing in question. Take time to find out how and to whom you should apply for an extension in case you need to do so.

Retrospective extensions of the deadline for submission are only given in the most exceptional circumstances. You are normally required to seek the extension in advance of the deadline for submission or you run the risk that your work will incur the penalties set out above.

Never be casual or cavalier about deadlines; the law school takes them very seriously. Organizing your life to meet deadlines is part of developing a sense of responsibility in managing the many demands on your time.



SCHEDULING YOUR WORK

BE ORGANIZED

There is a formal timetable for all assessed work in the law school. It is your responsibility to find out what that timetable is and to ensure that you organise your overall workload to be able to meet the deadlines for submission of your work. You should be able to complete your obligations to write papers without cutting any classes. There are procedures for obtaining extensions of the deadline for submission, but these are not given lightly and never merely because you have been disorganised in your management of time.

Setting yourself a realistic timetable for the preparation of your paper is an important part of managing your work load. You are unlikely to do yourself justice if you leave everything until the last minute. It is also important to keep to the timetable if you are to get the maximum benefit from discussions with your supervisor. Many staff keep time free to read drafts at the time scheduled for their submission. Late submission may prevent supervisors from devoting as much time to consideration and discussion of the draft as they would wish. If you find yourself in difficulties, seek help straight away; don't simply ignore the problem. We will do our best to assist where genuine difficulties arise.

Remember to allow yourself enough time to proof read and correct your final text. If the word processor has a spelling checker, run the text through it, but do not rely on this as a substitute for proper proof-reading. Some word processors now include grammar checkers and some of you may find the use of these re-assuring. Others find them irritating and unhelpful.

MISCELLANEOUS RULES

The following guidance picks up one or two areas where there are general writing conventions.

Latin or foreign words or phrases, whether abbreviated or not, should usually appear in italics, unless the phrase has passed into common English usage:

mens rea

sine qua non

quantum meruit

prima facie

ultra vires

raison d'être

Much helpful guidance on spelling and whether something should appear in italics can be found in *The Oxford Dictionary for Writers and Editors*, Clarendon Press, 1981. [REF 808.0203 OXF]

You may also find *Fowler's Modern English Usage* [REF 428.003 FOW] or *Oxford English: A Guide to the Language* [REF 428 DEA] helpful reference material to clear up any confusion you might have about the proper use or spelling of particular words used in particular contexts. One relevant example is that the word 'judgment' is spelled without a middle 'e' when used in legal contexts, whereas in other contexts it is spelled 'judgement'.

Names of foreign courts should appear in roman and not in italics:



Conseil d'Etat

Bundesverfassungsgericht

Hoge Raad

Capital letters should only be used where strictly necessary. Capital letters should not be used for court (unless referring to a particular court) judge (unless used as part of a title) or state (unless referring to a particular state, for example, the State of Victoria).

Numbers up to 20 should be written in words in the text. The numbers 20 and above should appear as numbers; so

three

seventeen

24

Percentages should be written in numbers and the words 'per cent' should be used rather than the symbol %:

75 per cent.

SOME GENERAL RESOURCES

Remember that you can always raise a query with your supervisor, subject tutor or personal tutor. Also keep handy for reference purposes your copy of the Undergraduate Handbook or Postgraduate Handbook as appropriate, the Undergraduate Regulations or Postgraduate Regulations as appropriate, and your copy of this guide. They are all also filed either on the University website or on the law school's Blackboard pages.

The Student Learning Centre is available to all students. It can be found on the second floor of the David Wilson Library in the Student Development Zone. The Centre publishes many useful guides on aspects of your work as an undergraduate or postgraduate. You can also see an adviser on a confidential basis if you are worried about your skills in undertaking the tasks we set in the law school. Check out their website on www.le.ac.uk/slc/ as well as the Library pages at www.le.ac.uk/li/ especially the pages dealing with information sources and information skills training:

www.le.ac.uk/li/digital/index.html

www.le.ac.uk/li/learning/tutorials.html

You might also find the following books useful:

Judith Bell, *Doing Your Research Project: A Guide for First-Time Researchers in Education, Health and Social Science*, (4th ed Open University Press, Buckingham 2005). [370.7 BEL].

Ralph Berry, *How to Write a Research Paper*, (2nd ed Pergamon Press, Oxford 1986). [029 BER].

Jack Burkett, *Library and Information Networks in the United Kingdom*, (ASLIB, London 1979). [029 BUR].

Peter Clinch, *Using a Law Library: A Student's Guide to Legal Research Skills*, (2nd ed Blackstone Press, London 2001). [340.072 CLI].

Jean Dane and Philip Thomas, *How to use a Law Library. An Introduction to Legal Skills*, (4th ed., Sweet & Maxwell, London 2001). [340.07 DAN].



Sarah Gash, *Effective Literature Searching for Students*, Gower. (2nd ed Gower, Aldershot 1999). [029 GAS]

Edwina Higgins and Laura Tatham, *Legal Writing*, (Sweet & Maxwell, London 2006) [340.0149 HIG].

John Peck. and Martin Coyle, *The Student's Guide to Writing. Grammar, Punctuation and Spelling*, (2nd ed Palgrave, Basingstoke 2005). [808.066 PEC]

John Peck and Martin Coyle, *Write it Right. A Handbook for Students*, (Palgrave, Basingstoke 2005) [808.066 PEC]

The following website also offers a resource guides which may be a useful source of data:

www.jisc.ac.uk/whatwedo/topics/learningresources.aspx

The Cardiff Index to legal Abbreviations can be a useful resource both in tracking things abbreviations of journals and law reports:

www.legalabbrevs.cardiff.ac.uk/



FOOTNOTING CONVENTIONS

SOME BASICS

The proper citation and referencing of your paper is part of the development of legal writing skills. Get used to following the OSCOLA system and you will soon find that referencing your work will cease to be a chore.

This section of the guide is concerned with the normal conventions applicable to the preparation of a typescript. The authoritative guide to your citations is **The Oxford Standard for the Citation of Legal Authorities**, (known as OSCOLA) which the law school has adopted as the required form for the citation of sources in all written work by undergraduates, taught postgraduates and research students. You will need to have a copy of that guide to hand when you are undertaking your writing.

Footnoting involves the insertion of superscript numbers in the main body of the text which are expanded into full references in notes appearing at the foot of each page.

Unlike legal writing in the United States, where there are rigid rules which are slavishly followed, most United Kingdom writing adopts a much more flexible approach to citing legal materials. This does not mean that you can be sloppy in your referencing. It simply means that there is often more than one acceptable method of citing particular sources. Learn the OSCOLA system which we have adopted and no one will criticize your referencing of sources.

The convention on the use of full stops in abbreviations can vary. OSCOLA states, 'Abbreviations, whether in text or footnotes, are not marked by full stops.' Throughout this guide the use of full stops has been avoided as much as possible.

You are probably already familiar with the conventions concerning the use of square brackets and round brackets (parentheses). This is an important aspect of proper referencing which is often ignored. The general rule is that square brackets are used for the year both for case citations and journal citations where the year is needed in order to be able to find the volume. Round brackets are used where the year is for information because the law report or journal has a continuous system of volume numbering.

Footnotes should be kept brief and to a minimum. Their main purpose is to point the reader to the authority for propositions contained in the text. Sometimes footnotes are used to contain a comment which is not central to the main discussion in the text, but which is nevertheless helpful in developing the argument to the full. On occasion it is useful to relegate some points of detail to footnotes, but this should not be overdone.

Footnotes should be numbered consecutively throughout your essay using Arabic numerals, and appear at the foot of each page. You will find that standard word processing packages perform this task for you. Good, clear and accurate footnotes undoubtedly create a favourable impression in any research work.

FREQUENTLY CITED MATERIAL

If you are going to cite a work frequently in your paper, it is permissible to abbreviate the citation by choosing an abbreviation and indicating this in the first full citation of the work, as for example:

⁴ Clare Ovey and Robin White, *The European Convention on Human Rights* (4th ed Oxford University Press, Oxford 2006) (cited in this paper as "Ovey and White")



Subsequent references to the work either in the text or footnotes can then simply use the abbreviation. In footnotes it is helpful to refer back to the footnote where the full reference is given, unless the abbreviation is included in a table of abbreviations:

²³ Ovey and White, n 4 above 248.

Note that use of the abbreviation 'n' for 'footnote'.

In longer works (a dissertation as distinct from a research paper), a table of abbreviations is sometimes used to list commonly used abbreviations.

LOCATION REFERENCES

There are a number of useful abbreviations, which explain where an authority can be found, or is cited in full. The most frequently met are defined below.

ibid	<p>This is the Latin for 'ibidem', meaning 'the same'; it does not appear in italics. Use only when a citation is to the same authority as the immediately preceding citation in the same footnote, or a previous footnote, and only where the previous footnote contains only one authority. In all other cases use 'above':</p> <p>⁴ Clare Ovey and Robin White, <i>The European Convention on Human Rights</i> (4th ed., Oxford University Press, Oxford 2006)</p> <p>⁵ ibid 250.</p>
above	<p>This term indicates that the authority is cited fully at an earlier point, to which reference should be made:</p> <p>²³ Ovey and White n 4 above 248.</p> <p>Do not use 'above' for citations to cases or statutory material. If a case is cited frequently, it may not be necessary to repeat the citation in a footnote every time it is mentioned. There is no standard rule here. It might be helpful in some cases to include an abbreviated reference to the case in a table of abbreviations. Use your common sense and ask yourself whether it would help or annoy the reader to be referred to a footnote merely repeating the citation to the source. Specific quotations from judgments should always be footnoted.</p>
below	<p>This signal is used if a point is discussed later in your paper. You may wish to provide more guidance on where the material appears.</p>
op cit	<p>This abbreviation is commonly used and is not italicised. <i>Avoid the use of this locator.</i> It stands for <i>opere citato</i> and means 'in the work cited'. It is used to refer to a work whose full citation has been given earlier. It is often used as an alternative to 'above'. The use of 'above' is to be preferred because it always refers back to the location of the earlier citation making for ease of reference.</p>
loc cit	<p>This stands for <i>loco citato</i> which means 'at the place quoted'. It is used similarly to 'op. cit.' and <i>its use should likewise be avoided.</i></p>
passim	<p>This means 'here and there'. The term is used if no particularly section of the cited authority is precisely in point, but there are useful comments here and there throughout the cited authority. It indicates to a reader that not every part of the authority need be read, only those</p>



parts relevant to the matter under discussion. The term is never used alone, only in conjunction with a full reference to the particular source.

SIGNALS USED IN FOOTNOTES

As noted above, the main purpose of footnotes is to direct the reader to the authority for particular propositions. There are a number of signals used by convention in footnotes to indicate the reason for the citation of particular authority. These signals are only used in footnotes.

[no signal]	Cited authority directly supports statement in the text.
eg	There are a large number of authorities in point, but citation of them all would not be helpful. A sample is sufficient to establish the point made in the text.
see	Cited authority constitutes basic source material supporting an opinion or conclusion of either law or fact drawn in a textual statement. It indicates that the asserted opinion or conclusion will be suggested by an examination of the cited authority, rather than that the opinion or conclusion is stated explicitly in the cited material.
<i>contra</i>	Cited authority directly contradicts statement although the facts may be different. Usually an honest admission that there is strong evidence opposing the view you have taken. The signal is usually used after a list of authorities supporting the proposition in the text.
see also	Cited authority is broader in scope than, or generally develops a question analogous to, the discussion in the text without lending much support to the proposition asserted, though it can nevertheless profitably be compared with it.



THE FINAL TEXT

PREPARING YOUR DISSERTATION FOR SUBMISSION

Your dissertation should be presented in the following order. This table also shows which words *do not* count towards the word limit for the dissertation. Remember that Word templates are available to assist you in preparing a text which meets the law school's requirements.

Title page Word TEMPLATE available Dissertation title page.dot	This should contain the title of your dissertation, and your student number. Do not include your name on the title page. The title page does not count towards the word limit.
Abstract Word TEMPLATE available Dissertation abstract.dot	A minimum of 300 and a maximum of 400 words. The abstract does not count towards the word limit
Contents Word TEMPLATE available Dissertation table of contents.dot	A table of contents using only your Level 1 headings. The contents do not count towards the word limit.
Main body of the dissertation Word TEMPLATE available Dissertation.dot	Footnotes must appear at the foot of each page. Continuous numbering in Arabic numerals must be used throughout the dissertation.
Tables of authorities Word TEMPLATE available Dissertation table of authorities.dot	You should include tables of primary authorities with separate tables for (1) statutes (2) secondary legislation (3) treaties (4) European Union legislation (5) case law. List these chronologically. If your dissertation focuses on European or international law, you should split your tables of cases into the different jurisdictions. Tables do not count towards the word limit
Bibliography Word TEMPLATE available Dissertation bibliography.dot	List books first, then chapters in books of essays, then journal articles, then web-based materials. The bibliography does not count towards the word limit.
Documentary appendix	Very occasionally a dissertation will rely on materials which are not readily available either in the University Library or on the web. In such cases, and <i>with the permission of your supervisor</i> , you may include a documentary appendix which contains such material. Only primary material can be included in such an appendix, and it should be kept as short as possible. The purpose is to enable those who will be assessing your dissertation to see source material which might otherwise not be readily available.

Your dissertation must be word processed on A4 paper (or American equivalent if you are a distance learning student based in the United States) using one and a half line or double line spacing with page numbers appearing on the bottom right. Downloadable Word templates are available on Blackboard to assist you in the presentation of your dissertation. If you do not know how to use templates, now is the time to learn.

Do not include your name or student number on each page of the dissertation.



While you are working on your dissertation, we advise that you keep each of the above files as separate documents for ease of editing.

Once you have completed the dissertation, merge the files together in the following order. This will preserve your page numbering. Check this once you have merged these files into a single file.

1. Open your main dissertation file
2. Move the cursor to the top of this file and insert the TITLE PAGE
3. After the TITLE PAGE, but before the main dissertation file starts, insert the ABSTRACT
4. After the ABSTRACT, but before the main dissertation file starts, insert the TABLE OF CONTENTS
5. At the bottom of the main dissertation file, insert the TABLE OF AUTHORITIES
6. At the bottom of the TABLE OF AUTHORITIES, insert the BIBLIOGRAPHY
7. Save the new file with your name: example: "Jo Bloggs.docx"
8. Make one or more backups of this file.
9. This file will now be ready to print off and submit in accordance with the requirements for your programme.

Your dissertation need not be professionally bound. It should, however, be submitted in a spring back binder which can usually be purchased from the Student Union Shop.

PREPARING YOUR RESEARCH PAPER FOR SUBMISSION

You must check with the module convenor to which the work relates exactly what is required. The following is general guidance which may vary from module to module. Practice varies on the requirement for a separate bibliography. Tables of authorities are not usually required for research papers.

The templates for the title page and the bibliography for the dissertation will provide a useful model for the title page and bibliography for research papers, but will require some variation.

Title page	This should contain the title of your research paper, the module for which it is submitted, and your student number. Do not include your name on the title page. The title page does not count towards the word limit.
Abstract (if required) Word TEMPLATE available Dissertation abstract.dot	A minimum of 300 and a maximum of 400 words. The abstract does not count towards the word limit
Main body of the research paper Word TEMPLATE available Dissertation.dot	Footnotes must appear at the foot of each page. Continuous numbering in Arabic numerals must be used throughout the dissertation.
Bibliography (if required)	List primary sources (treaties, legislation, cases) first, then books, then chapters in books of essays, then journal articles, then web-based materials. If required, the bibliography does not count towards the word limit.

Follow the guidance above on this page to merge these files into a single Word file for submission purposes.



SPACE FOR YOUR NOTES



Critical writing

This is one of a number of study guides produced by the University's Student Learning Centre. It is reproduced here with the Centre's permission. For other writing and study guides, see www.le.ac.uk/slc

It is common for feedback on student writing to focus on the need to engage more critically with the source material. Typical comments from tutors are: 'too descriptive', or 'not enough critical analysis'. This Study Guide gives ideas for how to improve the level of critical analysis you demonstrate in your writing.

What is critical writing?

The most characteristic features of critical writing are:

- a clear and confident refusal to accept the conclusions of other writers without evaluating the arguments and evidence that they provide;
- a balanced presentation of reasons why the conclusions of other writers may be accepted or may need to be treated with caution;
- a clear presentation of your own evidence and argument, leading to your conclusion; and
- a recognition of the limitations in your own evidence, argument, and conclusion.

What is descriptive writing?

The most characteristic features of descriptive writing are that it will describe something, but will not go beyond an account of what appears to be there. A certain amount of descriptive writing is needed to establish for example:

- the setting of the research;
- a general description of a piece of literature, or art;
- the list of measurements taken;
- the timing of the research;
- an account of the biographical details of a key figure in the discipline; or
- a brief summary of the history leading up to an event or decision.

The difference between descriptive writing and critical writing

With descriptive writing you are not developing argument; you are merely setting the background within which an argument can be developed. You are representing the situation as it stands, without presenting any analysis or discussion.

Descriptive writing is relatively simple. There is also the trap that it can be easy to use many, many words from your word limit, simply providing description.

In providing only description, you are presenting but not transforming information; you are reporting ideas but not taking them forward in any way. An assignment using only descriptive writing would therefore gain few marks.

With critical writing you are participating in the academic debate. This is more challenging and risky. You need to weigh up the evidence and arguments of others, and to contribute your own. You will need to:

- consider the quality of the evidence and argument you have read;
- identify key positive and negative aspects you can comment upon;
- assess their relevance and usefulness to the debate that you are engaging in for your assignment; and
- identify how best they can be woven into the argument that you are developing.

A much higher level of skill is clearly needed for critical writing than for descriptive writing, and this is reflected in the higher marks it is given.

Finding your academic voice

When you engage in critical writing you are developing your own academic voice within your subject. Wellington et al. (2005 p.84) offer some suggestions for distinguishing between the academic and the non-academic voice. They suggest that the academic voice will involve:

- “healthy scepticism ... but not cynicism;
- confidence ... but not ‘cockiness’ or arrogance;
- judgement which is critical ... but not dismissive;
- opinions ... without being opinionated;
- careful evaluation of published work ... not serial shooting at random targets;
- being ‘fair’: assessing fairly the strengths and weaknesses of other people’s ideas and writing ... without prejudice; and
- making judgements on the basis of considerable thought and all the available evidence ... as opposed to assertions without reason.”

Wellington J., Bathmaker A., Hunt C., McCulloch G. and Sikes P. (2005). *Succeeding with your doctorate*. London: Sage.

Try to get into the habit of writing critically, by making sure that you read critically, and that you include critique in your writing.

Stringing together of quotes

It can be tempting to string together quotes to support an argument, feeling that the more quotes you include, the stronger your argument. It is important, however, to remember that you also need to interpret the quotes to the reader, and to explain their relevance, discuss their validity, and show how they relate to other evidence.

Strategic use of paragraphs

There are several ways in which you can use the paragraph to enhance your critical writing.

You can use paragraphs to make a clear and visual separation between descriptive writing and critical analysis, by switching to a new paragraph when you move from description to critical writing, and vice versa. This can help in:

- emphasising to the reader that you are including both description and critical analysis, by providing a visual representation of their separation; and
- pushing you to produce the necessary critical writing, especially if you find that your description paragraphs are always longer, or more frequent, than your critical analysis paragraphs.

A paragraph break can provide a brief pause for your readers within a longer argument; giving them the opportunity to make sure they are keeping up with your reasoning. Paragraphs that are overly long can require readers to hold too much in their mind at once, resulting in their having to re-read the material until they can identify the point you are making.

You can also use paragraphs to push yourself to include critical writing alongside descriptive writing or referencing, by considering each paragraph almost as an essay in miniature. Within each paragraph you would:

- introduce the point you want to make;
- make the point, with supporting evidence;
- reflect critically on the point.

If it's worth including, it's worth telling us why

A certain amount of descriptive writing is essential, particularly in the earlier parts of the essay or assignment or dissertation. Beyond that, however, there is a danger that too much descriptive writing will use up valuable words from your word limit, and reduce the space you have for the critical writing that will get you higher marks.

A useful habit to get into is to make sure that, if you describe some evidence relevant to your argument, you need then to explain to the reader why it is relevant. The logic of your explanation contributes to the critical component of your writing.

So, a sentence or two might describe and reference the evidence, but this is not enough in itself. The next few sentences need to explain what this evidence contributes to the argument you are making. This may feel like duplication at first, or that you are explaining something that is obvious, but it is your responsibility to ensure that the relevance of the evidence is explained to the reader; you should not simply assume that the reader will be following the same logic as you, or will just work out the relevance of the quote or data you have described.

Line of argument

So far this Study Guide has considered the detail of what you write. The other key element in critical writing is the overall structure of your piece of writing. For maximum effectiveness, your writing needs to have a line, or lines of argument running through it from the Introduction to the Conclusion.

Just as you have used paragraphs on a micro scale to present your critical writing, so you need to consider the ordering of those paragraphs within the overall structure. The aim is to lead your readers carefully through the thread of your argument, to a well-supported conclusion.

Example of effective critical writing

The text below is an example of good critical writing, and is based on essay material supplied by University of Leicester's School of Psychology.

The author refers to the available evidence, but also evaluates the validity of that evidence, and assesses what contribution it can realistically make to the debate.

There are a number of inherent methodological difficulties in evaluating treatment efficacy in this area, and this has contributed to controversy within the research literature surrounding treatment outcomes for this group of offenders (Marshall, 1997). Firstly, while there is no doubt that the primary criterion of treatment success is a reduction in the rate of re-offending (Marshall et al., 1999), reconviction data does not, in isolation, provide a realistic representation of actual levels of re-offending by this group. It is well established that there is a discrepancy between re-offending and reconviction rates: the latter underestimating the number of offences committed (Grubin, 1999). Indeed, a significant proportion of offences committed by offenders are either unreported, or do not result in the offender being convicted (Abel et al., 1987).

You can see how the author is considering the available evidence, but also the limitations on that evidence, and will be taking all of this into account in drawing conclusions.

Checklist for an overall review of your writing

It is always worth taking a critical look at your own writing before submitting it for assessment. The kinds of questions that might be useful to ask at that stage are:

What is the balance between descriptive and critical writing?

While a certain amount of description is necessary to set the context for your analysis, the main characteristic of academic writing is its critical element. A useful way to check this balance in your own writing is to use two coloured pens and to mark in the margin whether the lines are descriptive or critical. The balance will change at different points, but you need to make sure there is enough of the colour that represents critical writing.

Why should the reader be convinced by what I've just written?

Remember that, just as you are asking 'Why should I believe what I've just read?', the readers of your work will be asking the same question of your writing. A critical read through your own writing may reveal gaps in your logic, which you can rectify before you submit it for the critique of others.

Is my conclusion trailed and supported sufficiently well by my preceding analysis and argument?

Check out the conclusions that you have drawn, then locate and check the supporting evidence you provide earlier on. This is a good way of making sure you haven't forgotten to include a crucial piece of evidence. It is also a way of checking that, when your reader comes to the end of your writing, the conclusions make sense, rather than being a surprise, or an unconvincing leap of logic.

Have I included any unsubstantiated statements?

Sometimes a generalised, sweeping statement can slip through: the kind of statement that might be acceptable on conversation, but not in academic writing. There are three main ways of dealing with such statements:

- present the evidence to support the statement
- re-phrase the statement to sound more cautious e.g.: 'it could be argued ...' or 'this suggests that ...'
- remove the statement

This Guide must be read in conjunction with:

The University's Undergraduate Regulations

The University's Postgraduate Regulations

The School of Law Undergraduate Handbook

The School of Law Postgraduate Handbook

Any specific guidance given for a particular assignment

Some useful University of Leicester websites:

www.le.ac.uk/law

blackboard.le.ac.uk

www.le.ac.uk/library

www.le.ac.uk/slc/



Fielding Johnson Building

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