

Essay questions - answer the question being asked!

It is Law - not maths! There is no right answer.

In law exams/essays, there is not usually a right or a wrong answer. What matters is that you show you know what type of issues you are being asked about. Essay questions are likely to ask you to 'discuss', 'criticize', or 'evaluate', and you simply need to produce a good range of factual and critical material in order to do this. The answer you produce might look completely different from your friend's but both answers could be worth 'A' grades.

... Over and over again, examiners complain that candidates do not answer the question they are asked - so if you can develop this skill, you will stand out from the crowd. You will get very few marks for simply writing all you know about a topic, with no attempt to address the issues raised in the question, but if you can adapt the material that you have learnt on the subject to take into account the particular emphasis given to it by the question, you will do well.

Even if you have memorized an essay which does raise the issues in the question (perhaps because those issues tend to be raised year after year), you must fit your material to the words of the question you are actually being asked. For example, suppose during your course, you wrote an essay on the advantages and disadvantages of the jury system, and then in the exam, you find yourself faced with the question 'Should juries be abolished?' The material in your coursework essay is ideally suited for the exam question, but if you begin the main part of your answer with the words 'The advantages of juries include . . .', or something similar, this is a dead giveaway to the examiner that you are merely writing down an essay you have memorized. It takes very little effort to change the words to 'Abolition of the jury system would ignore certain advantages that the current system has . . .', but it will create a much better impression, especially if you finish with a conclusion which, based on points you have made, states that abolition is a good or bad idea, the choice depending on the arguments you have made during your answer.

During your essay, you should keep referring to the words used in the question - if this seems to become repetitive, use synonyms for those words. This makes it clear to the examiner that you are keeping the question in mind as you work.

Plan your answer

Under pressure of time, it is tempting to start writing immediately, but five minutes spent planning each essay question is well worth spending - it may mean that you write less overall, but the quality of your answer will almost certainly be better. The plan need not be elaborate: just jot down everything you feel is relevant to the answer, including case names, and then organize the material into a logical order appropriate to the question asked. To put it in order, rather than wasting time copying it all out again, simply put a number next to each point according to which ones you intend to make first, second and so forth.

Provide analysis and fact

Very few essay questions require merely factual descriptions of what the law is; you will almost always be required to analyse the factual content in some way, usually highlighting

any problems or gaps in the law, and suggesting possible reforms. If a question asks you to analyse whether lay magistrates should be replaced by professional judges you should not write everything you know about magistrates and judges and finish with one sentence saying magistrates should/should not be kept. Instead you should select your relevant material and your whole answer should be targeted at answering whether or not magistrates should be kept.

Where a question uses the word 'critically', as in 'critically describe' or 'critically evaluate', the examiners are merely drawing your attention to the fact that your approach should be analytical and not merely descriptive; you are not obliged to criticize every provision you describe. Having said that, even if you do not agree with particular criticisms which you have read, you should still discuss them and say why you do not think they are valid; there is very little mileage in an essay that simply describes the law and says it is perfectly satisfactory.

Structure

However good your material, you will only gain really good marks if you structure it well. Making a plan for each answer will help in this, and you should also try to learn your material in a logical order - this will make it easier to remember as well. The exact construction of your essay will obviously depend on the question, but you should aim to have an introduction, then the main discussion, and a conclusion. Where a question is divided into two or more parts, you should reflect that structure in your answer.

A word about conclusions: it is not good enough just to repeat the question, turning it into a statement, for the conclusion. So, for example, if the question is 'Is the criminal justice system satisfactory', a conclusion which simply states that the system is or is not satisfactory will gain you very little credit. Your conclusion will often summarize the arguments that you have developed during the course of your essay.

These extracts have been taken by Dr Peter Jepson from 'English Legal System' by Elliott and Quinn (Longman 2002).