

Legal Writing



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CHAPTER 4

APPROACHING, STRUCTURING AND WRITING YOUR DISSERTATION

Dissertations are very similar to essays in many respects; however, the depth and range of research is more extensive than for a 2,500 word piece of coursework. There are some differences, which relate to the way in which one constructs a question, and the way in which one sets about researching the dissertation. This chapter considers one way to approach dissertation writing, although there are many others.

STAGE 1: ESTABLISH THE TOPIC UPON WHICH YOU WISH TO WRITE

- Find a topic that is of interest to you.
- Read around the topic.
- Consider the sources available to you in the library.
- Discuss the topic with your supervisor.
- Finalise the topic upon which you wish to write.

The earlier you can set your topic the better; much time can be wasted by swapping topics from one week to the next. However, it is important to know that the topic is of interest to you and also that there are sources available in the library to assist you in your research, particularly if you plan to undertake library-based research. You also need to make sure that your topic is one with which your supervisor is familiar and so you should choose your topic carefully and in conjunction with your supervisor.

STAGE 2: NARROW DOWN THE TOPIC

- If the topic is likely to be too wide to form the basis of a dissertation, you will need to narrow down the topic to a specific aspect of the topic.
- The more specific you can be, the easier it will be to research.
- The more specific the question, the more you can demonstrate depth of knowledge and analytical skills.

Students usually choose very wide topics upon which to write. This is, in part, a function of a lack of detailed knowledge in the area, a concern that a dissertation is an extended piece of writing and that the topic must be wide enough to allow a student to write 10,000 words. It is also difficult to be specific in the early stages of any research project. It is, perhaps, helpful to consider a dissertation as

a research project – it is easier to undertake a project if you are clear on its parameters. The narrower the topic, the easier it is to research and also the easier it will be to show depth of knowledge and analysis. In addition, the clearer you are on your topic and how you will undertake it, the quicker and easier it is to complete. Dissertations on broad topics tend to suffer from too much description; there is, after all, much to describe and insufficient analysis and depth. The narrower the topic, the easier it is to demonstrate depth and thus to achieve higher marks.

STAGE 3: TURN THE TOPIC OR STATEMENT INTO A QUESTION

It is easier to research a question than a topic or statement.

Rephrase the statement as a question.

Dissertation modules often require students to come up with a research topic, a research question and then a dissertation that answers that research question. This is a departure from many other forms of legal writing, as a question will be set by a lecturer for most assessments, in contrast to a dissertation. A dissertation is an enquiry to answer a question; it is not a discussion of a topic in general terms. It will be easier to focus your research and your writing on achieving your goal (a well researched and presented extended piece of writing for which you will receive a high mark) if you set a question early on in the process. It may be helpful to talk to your supervisor about the aspect of the topic that you find of interest and during that process to try to come up with a broad question that encompasses your discussions, but which is sufficiently certain and discrete that it is capable of answer within your time period (usually two terms).

Once you have a research question, you should consider any sub-questions that need to be answered in order to present a final answer to the main question. What else do you need to establish before you can provide an answer to your main question? You may wish to list the sub-questions underneath your main question, by way of identification. If you think you have the answer to your question already in mind, then be honest about this and put this down on paper as a hypothesis – a proposition that you pose and which you then subject to research analysis in order to discover the extent to which you are right. A dissertation is not an exercise in proving your initial point; it is a process of enquiry to allow you to reach a considered decision on your question. However, if you do have an initial impression it is important to recognise this and to challenge it rather than to pretend you are open to all view-points when really you are trying to fit the evidence you find to the answer you want to provide in your writing.

You may begin the main part of your research once you have a title expressed in the form of a question. You may have had to do some background research prior to this, in order to know enough about the topic you have chosen and to be able to formulate the question. However, your main research phase will take place once you have fixed upon your question. There is more information in later chapters on the research process and on essay structure and

referencing the work of others. Alternatively, refer to a text focused specifically on writing dissertations. One such book is provided in the 'Useful Books to Assist with Legal Writing' section towards the end of the book.

STAGE 4: START A 'RUNNING DOCUMENT' ON THE COMPUTER

Once you have a title, start a running document on the computer.

Open a document, put the title on the first page, and then lay out the document as if it were a dissertation.

Include pages such as:

- Abstract/executive summary;
- Contents;
- Introduction;
- Section 1;
- Section 2;
- Section 3;
- Conclusions;
- Bibliography.

Use this document for notes, questions to yourself, lists of material to research, etc.

Students, and academics, often put off writing. It is difficult to know how to start and one always feels under-prepared for the task. Consequently, many begin writing just before a deadline, feel overwhelmed by the task and a little panicked. It is relatively easy to overcome some of these problems, although not the motivation to get on with the writing stage, by starting a running document on the computer. Consider setting up a Word document, or similar, split into sections. A dissertation will usually include a title page, an acknowledgments page, an abstract or executive summary page (in which the dissertation is summarised in 100–250 words for the marker), a contents page, an introduction, sections or Chapters 1–3 or 4 (however many appear appropriate for the dissertation), conclusions, a bibliography and appendices. Students undertaking empirical work may include a research methods section or chapter in addition to an introduction, or may include this information in the introduction. Some may also set out a chapter as a literature review, in which academic literature on the subject of the dissertation is discussed, prior to undertaking original empirical research on the area. The literature in library-based research tends to be pervasive in the dissertation, rather than contained in a separate chapter. Discuss this with your supervisor if you are unsure about which is most appropriate for your enquiry. Format the titles, add in page numbers, make the document look like a finished document (but without any real content!) and use this as the place to write all your research notes, questions, comments and sources from now on.

STAGE 5: CONSIDER THE MAIN QUESTION. MAKE A LIST OF RELEVANT ISSUES

Return to the running document and the main question and make a list of issues that appear relevant to it.

Group the issues according to themes and try to turn the themes into questions.

Reread the question. Check to see whether these sub-questions appear to answer the question.

If so, assign one sub-question per section.

If not, consider the sub-questions. What other sub-questions need to be answered in order to answer the main question?

Assign these sub-questions to the sections in the running document.

The next stages are similar to those for shorter essays, although your research will be much more extensive and may involve empirical research techniques (in which case talk to your supervisor about research methods, read up on them and keep a note of how you conduct your research and include this in your introduction or in a separate methods section). It is as well to plan how you intend to undertake the research phase of the dissertation in order to minimise the time that could be wasted in looking up material on areas that you will later discard. You may consider dissecting your own question to make a list of issues that need to be addressed in order to answer it, then transforming those issues into sub-questions. In a dissertation of around 10,000 words, it is probably only possible to deal with three to five issues effectively, although these too can be narrowed down into sub-sub-questions, if desirable. Review the main question and the sub-questions to consider whether these appear, if fully answered, to provide a full answer to the main question. Amend them as necessary. Add these into the running document and move on to the research planning stage.

STAGE 6: PLAN THE RESEARCH

Analyse your own question and sub-questions.

List the issues that the sub-questions encompass.

Make a list of general sources that could provide you with material for the dissertation.

Consider library-based sources; consider empirical sources such as interviews, questionnaire surveys, observation, analysis of official statistics, etc.

Note down how these sources could assist in the dissertation.

Plan your research.

Write all of this within the running document.

Discuss this with your supervisor.

Once you have a list of sub-questions, note down what sources of data may provide answers to them, and where those sources can be located. You should use a range of sources for each sub-question, rather than restricting yourself to one source, as the more sources you use, the more likely you are to develop a balanced understanding of the issues and gain multiple forms of evidence with which to assert your arguments. This will provide breadth, depth and authority to your writing.

STAGE 7: BEGIN RESEARCHING THE INTRODUCTION

The introduction should explain the state of academic and legal knowledge on the main topic of your dissertation (unless the dissertation contains a separate literature review).

Consult the library catalogue for sources relevant to your topic, within the library.

Refer to journal articles on the topic.

Conduct a search of electronic databases for relevant cases and legislation.

Make notes for these in the running document under the introduction heading.

Note down the source of the notes, so that these can be turned into footnotes at a later stage.

The introduction in a dissertation is more extensive than an introduction in a traditional coursework essay. The introduction should set out how you have approached your dissertation research, including your research method, unless you have assigned a separate section to this method. It should explain the nature of the question and the sub-questions and how these aim to provide an answer to the main question. It should refer to academic literature written on the subject of your dissertation, as background, unless you have assigned a separate chapter as a literature review. This background provides the platform for your subsequent research on the sub-questions. The introduction should also set out the issues you will consider in the dissertation and explain the structure of the dissertation.

STAGE 8: CONDUCT RESEARCH ON THE NEXT SUB-QUESTION

Follow the steps above for each sub-question.

Refer to books on empirical research techniques if you are considering undertaking interviews, questionnaires or observational research.

Make notes in the running document on material for this sub-question.

Keep in touch with your supervisor.

The next step is to undertake research for each sub-question, as you would approach any other essay. Each sub-question is a mini essay in itself, with an introduction, a middle section and a conclusion. Consider which sources will be relevant in answer to the question and where they are located. Make notes on each of the sources, preferably in the running document, with full references, including page references, for each source. Discuss your progress with your supervisor before moving on to the next section. Any material that you find while working on one section, that is relevant to another section, can be noted down within the relevant section for use at a later stage. Continue with note-taking until either you have exhausted the cases, legislation, academic works, interviewees or participants, or until you wish to review the notes to date and begin to write them up into paragraphs.

STAGE 9: REVIEW YOUR NOTES FOR EACH SECTION/CHAPTER

Reread the question.

Read through the running document and consider whether the sub-questions appear to answer the main question.

Read the notes you have made.

Follow the essay writing steps in previous chapters to plan a mini essay for each sub-question.

Group issues together that appear similar and those that appear to be different.

Construct paragraphs from your notes, using evidence to back up the points being made.

Reread each section/chapter to review whether it answers the sub-question.

Consider where there are gaps in your arguments.

Conduct further research if necessary.

Repeat the steps until you have fully answered the sub-question.

Some people prefer to complete the research phase for a section before starting to write the notes up into paragraphs. Others prefer to do both alongside each other in order to break up the monotony of note-taking. The writing phase for a dissertation is very similar to the writing phase for an essay, although more extensive. Similar rules apply, however, as set out in Chapter 2. Read through the notes and organise them into themes. Consider how each theme relates to the sub-question. Group any evidence that is relevant to the theme next to the theme and organise themes into a logical order. You are likely to change these around as the dissertation progresses and you will also write and rewrite paragraphs as you go along. However, do not let this prevent you from writing up your notes early on in the dissertation process, as much of the material you write now will be used in one form or another in the final draft. It is more satisfying to see the dissertation grow and to edit it down to the word limit later on in the process, rather than to try to construct a dissertation as the deadline approaches.

STAGE 10: READ THROUGH THE SUB-QUESTIONS AND WRITE THE CONCLUSION

Read through the main question and the sub-questions.

Read through each dissertation section/chapter.

Write a conclusion on each section/chapter in the conclusions section.

Write an overview of the concluding remarks made at the end of each of the paragraphs to provide a final conclusion to the dissertation.

Each section should contain a conclusion that pulls together a final answer to the sub-questions that you set for that section. The easiest way to approach the dissertation conclusion is to cut and paste each of those conclusions into the final conclusion section, read them through and edit them to form the new conclusion. Your final conclusion will also need to explain how each of the sub-questions (and conclusions to those sub-questions) fit together to provide a final answer to the main question. Conclusions sometimes begin with a discussion of the main question – what the research project has sought to consider – and how the sub-questions seek to do that. You may then wish to write one or two paragraphs in respect of each sub-question, prior to finalising the conclusion with paragraphs providing the final analysis of the main question. Try to avoid introducing new ideas into the conclusion unless they are simply thoughts for the future, as new ideas may detract from your findings and lead the reader to wonder why you did not address them more fully in the main body of your work.

STAGE 11: FIRST DRAFT POLISHING – OVERVIEW

Read through the main question and the sub-questions.

Read through each dissertation section/chapter.

Check that each section answers the sub-question fully, with evidence to back up any assertions.

Check that, when read together, the whole dissertation answers the main question, with evidence to back up any assertions.

If the question is not fully answered, could the question be amended so that the dissertation and the answer do fit?

If not, then rewrite the dissertation as required.

The first review of your dissertation should focus on whether you have answered your main question and subsequent sub-questions. Take the main question and dissect it, as you would in an exam or for a piece of coursework. Does it really fit with what you have written in your dissertation? If it does not, if permitted under the module regulations, amend the title so that it does

correspond with the task you have undertaken. You will be marked against your question and thus the dissertation must be a full answer to it.

Next, review the sub-questions. Do they appear, when taken together, to answer the main question? Undertake the same steps as discussed for the main question. Then read through each section or chapter to consider whether each one answers the sub-question fully. Each section is similar to a mini essay and may be as long as a piece of coursework submitted at level 4. Each should have an introduction, a middle section and a conclusion, in the same way as any other essay. Each section should provide an answer to the sub-question set for that section.

The next step is to read through the introduction. Does the introduction set out how you have approached your dissertation research, including your research method? Does it set out the question and sub-question? Does it refer to academic literature on the area you have researched? Does it set out the issues you have considered? Does it explain the structure of the dissertation? Make any changes to your draft, before turning your attention to the conclusion.

Finally, read through the conclusion. Does it pull together each of the conclusions from each of the dissertation sections? Does it provide a final conclusion to the main question, indicating how each of the sub-questions links to provide that answer? You may wish to read through each section conclusion again, before reading the final conclusion, to assist this process.

STAGE 12: SECOND DRAFT POLISHING – PARAGRAPH MAPPING

Read through the dissertation paragraph by paragraph.

Check that the paragraph begins by stating the issue to be discussed within it.

Check that the paragraph contains a discussion of the issue.

Check that the paragraph contains evidence to back up the discussion of the issue.

Check that full citations have been included to others' words/ideas and that those citations are included in the bibliography.

Check that the paragraph is concluded with a sentence or sentences explaining how the issue relates to the sub-question.

Check that the paragraphs flow on from one another so that the arguments develop logically, and all similar issues are dealt with together.

Make any changes.

Read through your draft again, if you can bear it. This time you are mapping each paragraph. Check that each paragraph is clear on the issue being discussed, the evidence in support of the assertions being made and the relevance of the issue to the sub-question. Check too that all sources are fully referenced in footnotes and relevant material is contained within the bibliography. Each sub-

question should then be related to the main question in the conclusion, to provide a final answer to the main question. It is also useful to note down on your draft the issue being discussed in each paragraph and then to skim through these notes to ensure there is no repetition. You should also check that similar issues are dealt with together. You may need to move paragraphs around in your draft, maybe even to another section in your dissertation, to cut down on repetition and to assist the development of your arguments. Make any changes and then move onto finishing and polishing your work.

STAGE 13: THIRD DRAFT POLISHING – SPELLING, GRAMMAR, PRESENTATION AND FORMATTING

Check your draft for spelling and grammar mistakes.

Consider the formatting and presentation requirements set for the dissertation module and make sure your draft conforms to those requirements.

Make any changes.

Read through your dissertation one final time, to proofread it. Run a spell check if you have not done so previously, so as to eliminate as many minor mistakes as possible. Check that sentences flow and that the dissertation is presented in a way that conforms to any formatting and presentation requirements, including line spacing, page numbering or layout. If you have used headings in your dissertation, check them to make sure that all headings of the same level look the same – are they all the same point size, in the same font, are they all bold, or italicised or underlined? Although you are unlikely to lose marks for issues such as these, a well presented dissertation gives an aura of authority. It is as well to project a professional image rather than an unprofessional one. You may wish to refer to Chapter 7 to consider writing style issues. Dissertations should be written in a formal style, unlike this book, which has adopted an informal style. Check, too, that footnotes and endnotes are all typed in a consistent style and that the bibliography is in alphabetical order, that it is complete, groups books with other books, journal articles with other journal articles, websites with other websites and cases and legislation in separate sections. Make any changes before moving on to the final stage.

STAGE 14: FINAL CHECK OF ASSESSMENT AND GRADING CRITERIA

Finally, read through the assessment and grading criteria for the module and check your draft against it.

Make any changes.

Far more will be expected of a dissertation than a piece of coursework at levels 4 (first year) and 5 (second year). Make sure you have read the assessment and grading criteria before you begin your dissertation, but also read them through again at the end to ensure that your dissertation meets them. Reread any instructions given to you in relation to the dissertation – the number of copies that should be submitted, to whom, etc, prior to submitting your work. Then have the courage to hand it in, and congratulate yourself on having finished a large piece of writing.

SUMMARY

CHAPTER 4

The following approach may assist in researching, structuring and writing a dissertation, although you should discuss your approach with your supervisor.











