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7 Critical Analysis

Tutor comments: "30%: This is not a story writing competition."

Student: "But you said to write in my own words!"

Although we have mentioned critical analysis previously, its importance demands that we elaborate a little more on this very essential aspect of a good law paper for emphasis, since it will help to gain good grades in your assessments. The following pointers will help:

ORIGINALITY

When you are asked a question, you are expected to provide a fresh insight to the question. That fresh insight will come from a thorough appreciation of the many facets in a question and a well-thought-out approach to giving a comprehensive answer.

Beware a common error which arises from heavy reliance on reported information. While an excellent research approach is always to be commended, there is a difference between writing a report on collated material and writing your own analysis on a given topic. You may think that copious reference to primary and secondary material is the indicator of a good piece of work. This is not so. If your work is mainly a reproduction of existing material, with little or no analysis of your own, there are two possible problems. The first is that there is likely to be an absence of synthesis, ie that your work is a coherent whole and that each part leads on to the other (exhibiting that single unifying thread mentioned earlier). The second is that when you rely too heavily on gathering diverse material, you will find it more difficult to focus on the specific issue you are addressing, as you will unknowingly be attempting to insert all the information you have so painstakingly gathered. You do need to be ruthless here. The test is not so much about how extensive your reading list is but that you have read what is essential to your topic or question and that you have managed to produce something cogent out of that reading list. Be ruthless - cut out the chaff. Ensure that what you submit is an original piece and not just a reproduction of all you have read or your untested opinion on an issue.

INDEPENDENT THOUGHT

Originality depends a lot on a student's capacity for independent thought. This is where students often have a problem, especially with longer pieces of work such as dissertations or take-home assignments such as coursework. There is often so much information available that the student throws in as much material as possible without any attempt to review and critically analyse the content of the literature. Guard against merely putting forward other people's opinions. A sure sign that there is little or no independent thought in a piece of work is that there are copious quotations or other people's opinions have been paraphrased or re-worded: not only is the work full of copied material, which may suggest plagiarism: there is no attempt to develop any idea from what has been read or researched.

A critical piece of work should exhibit an ability to appraise information and to deduce or induct results from that information. Without critical analysis, a piece of work loses any identifiable objective; it is almost impossible to see the purpose of the piece of work or the intent of the student who merely reproduces other people's opinion or information.

Should you need to undertake surveys or obtain samples of participants' opinion, you are still expected to engage in critical analysis of the information obtained. Thus, where you have collected data for your work, the results must be clearly presented and discussed. (Note that merely reproducing another person's data is copying and without any relevant analysis of the data to your work is of little value.) Your data must be interpreted appropriately; it is not for the assessor to interpret the results of your data collection. Tables and graphs should be accompanied by written explanations of the basis and rationale for undertaking the research in the first instance. There should be an initial review of existing data and a comparative assessment of how your data differs from that already in existence. The results obtained must also justify the data collection; there is often a mistaken belief that it is enough merely to submit data without showing how this data assists in bringing that fresh insight on the issue under analysis.

Note that your research and background reading should be as comprehensive as you can manage but, given the wealth of information now available in libraries, research centres and online

resources, it is now much easier for a student not to engage in critical analysis but to reproduce the information readily available. Avoid this.

EXCESSIVE QUOTING

There is no need to quote long passages in your work except where this is unavoidable. Copious quotations give the impression that you are not very comfortable with analysing the content of the law you are citing and that you do not understand the material you have read. By all means, make reference to legal provisions, judgments, or academic publications but restrict quotations to what is absolutely necessary. Another problem with extensive quoting is that the crux of your argument may be lost. Bear in mind that you need to set out the most important and salient aspects of a legal instrument to which you are referring. Ask yourself whether a quote directly supports or clarifies your argument and the issues you are discussing. If not, leave it out.

CHECKLIST WHILE READING

When reading a piece of work for your background research, the following questions can help to make sure you are on the right track to writing up a good answer:

- Do I understand what this work is all about?
- What is the author's perspective on the issue?
- Can I distinguish my view from those of the authors in the books I read?
- Am I able to extract useful information from the material I am reading?
- Can I put useful information I have read into my own words without plagiarising?
- Are there alternatives to the arguments raised in an article or textbook?
- Have I consulted other materials, including those that may present a contrary view?
- Is there sufficient legal analysis in what I am reading? (Particularly relevant when reading from internet sites.)

CHECKLIST FOR WRITING UP YOUR WORK

- Are my arguments relevant to the question being asked?
- Have I managed to present and analyse alternative arguments or contrasting views?
- Have I merely copied the material I have read, with no input of my own? This must be avoided.
- Is there evidence of background research in my writing?
- Does my work show that I have given thought to the issues raised in the question?
- Is my work full of long quotations? Are they necessary?
- Does my work show that I am able to identify relevant issues?
- Is my work original?
- Is there evidence of critical reasoning and logic in my work?
- Have I referenced my work properly?