

## Answers to practical exercises

### Chapter 10: Writing skills

#### *Page 219: Formal writing style*

Have a look at the following sentences and think about how you would reword them to create a more formal style of writing.

#### Question 1

We have seen that the postal rule has been criticised by many academic commentators and that there is little judicial support for its continued use. I think that this indicates that the rule has no value in modern contract law and should be dismissed as an anachronism.

The problem here is the use of 'we' and 'I', both of which are too informal for a piece of academic writing.

Think about what the words are trying to convey and it should be straightforward to think of an alternative:

- **We have seen that the postal rule has been criticised by many academic commentators and that there is little judicial support for its existence.**

The words 'we have seen' refer to something that has already happened at an earlier point of the essay. Looking at the sentence as a whole, it identifies that the reference is to a preceding discussion in which it was established that there is academic criticism of the postal rule and little judicial support for it. Once we are clear about what the sentence is trying to achieve, we can find a different way of expressing the same meaning but in more formal terms:

- It has been established that the postal rule has been criticised by many academic commentators and...
- The preceding discussion has established that academics are critical of the postal rule and...
- Having established that academics criticise the postal rule and...
- This discussion demonstrates that there is academic criticism of the postal rule...

- **I think that this indicates that the rule has no value in modern contract law and should be dismissed as an anachronism.**

Here, the use of 'I think' indicates that the writer is expressing an opinion. That is not a problem; an essay is strengthened by the inclusion of the writer's evaluation of the relative merits of the various arguments that it presents. However, it is not necessary to write 'I think' to indicate that you are expressing a personal view; there are various alternatives:

- It would appear that the rule...
- It could be argued that the rule...

- It is possible to conclude that the rule...
- It seems that the rule...

Overall, then, it is possible to write the paragraph in a more formal way (note also that the two phrases have been joined together with the conjunction 'thus' in order to demonstrate the link between them):

**The preceding discussion has established** that academics are critical of the postal rule and that there is little judicial support for its continued use **thus it seems that** the rule has no value in modern contract law and should be dismissed as an anachronism.

### Question 2

As the defendant did not suffer a loss of control that came from one of the qualifying triggers, I would conclude that he cannot rely on the defence of loss of control in the Coroners and Justice Act.

Again, the problem is the use of 'I'. It is used to express the writer's view as to the likely outcome following the application of the law to the facts in a problem question. However, as noted in relation to Question 1, it is not necessary to use 'I' in order to express your own view as there are other options:

- It can be concluded...
- It is possible to conclude...

The alternative is to take the phrase 'I would conclude that' out of the sentence altogether; it still retains its meaning but in fewer words (an important consideration if working to a coursework word limit):

As the defendant did not suffer a loss of control that came from one of the qualifying triggers, he cannot rely on the defence of loss of control in the Coroners and Justice Act.

### Question 3

You could argue that the law in this area is outdated and should not be applied but one must appreciate that an old law is not necessarily a bad law.

Many students use 'you' to avoid the use of 'I' if they have been told not to write in the first person (writing as themselves as indicated by the use of 'I') but the use of the second person ('you') is also not acceptable in academic writing. In fact, it creates more problems than 'I' because at least the use of 'I' is accurate – it is the writer's own thoughts and actions – whereas the statement 'you could argue' is passing the responsibility for the application of the law, strictly speaking, to the reader (who is the 'you' in question).

As with the use of 'I', there are a range of alternative ways to word the same point:

- It could be argued that the law...
- It is arguable that the law...
- It is possible to argue that the law...

- It seems that the law...

The second problem with the sentence is the use of 'one' (third person neutral) but which offers the same sorts of possibilities for rewording:

- It must be appreciated that...
- It is important to remember...
- It is necessary to acknowledge...

It could be argued that the law in this area is outdated and should not be applied but it is important to remember that an old law is not necessarily a bad law.