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On academic writing

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This is a meditation on my experience of academic writing over the last 45 years. It sets out by asking why it matters to try to understand scholars' varied experience of writing: both the barriers which we face under different circumstances, and the pleasures, satisfactions and rewards which – mostly – keep our nose to the grindstone even through tough times. It then moves on to describe four different case studies from my own writing career, drawing out what now seem to me the lessons of each experience. In conclusion, I try to synthesise what emerges from these personal case studies by way of some more general understanding of the psychological, cultural, institutional and structural factors which shape experiences of writing over time.

WHY WRITE ABOUT WRITING?

Earlier this year, emerging from a lengthy period of feeling somewhat overwhelmed by multiple self-inflicted writing deadlines, I decided to call a moratorium on new commitments for at least a few months. Shortly afterwards, I received the Northern Ireland Legal Quarterly's invitation to contribute to this series on writing – and found myself, notwithstanding the moratorium, immediately and strongly inclined to accept. Why, I wondered? As I thought about it, I realised that there was a lot I wanted to say about the experience of writing; and about the emerging trend to run writing workshops and seminars oriented to passing on tips about the craft of writing. These have emerged as a further resource in the ever more systematised pedagogical toolbox, expanding the skills which, as teachers, we are meant to impart to our students and nurture in our younger colleagues (reviving and adapting, perhaps, a much older tradition epitomised by the teaching of rhetoric). A very brief survey of my own university website uncovered a wide range of such provisions aimed at both students and staff. And beyond the

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legal academy, the development of creative writing programmes and intensive writing workshops is testimony to the belief that literary, as much as academic, writing is not merely a matter of having interesting ideas and wanting to impart them, but requires craftsmanship and technical skills.

At one level, the emerging assumption that we should be teaching writing skills seems eminently reasonable, indeed common sense. The ability to produce clear, well-structured, carefully argued and readable prose is, after all, central to not only effective scholarly work but also virtually every other form of legal or law-adjacent career: legal practice; adjudication and the framing of arbitral awards; policy development; the advocacy of legal reform. Even in a world of rapidly developing artificial intelligence (AI), there is strong reason to think that it matters that young people should be equipped with an understanding of what makes good critical and analytic writing, not least because, without this, they are unable to evaluate the outputs of AI with which we will all be working. And, undoubtedly, there are certain key skills, and useful rules of thumb, which can be imparted and absorbed to good effect.

But there is, to my mind, also a problematic side to this, as it were, technical professionalisation of the writing process. To see what the problem is, one need only think for a moment about the various sorts of difficulties that academics encounter: for example, a 'writing block' or an inability to settle on a particular structure or finalise and share written texts. These sorts of writing difficulties afflict academics – I use the term to encompass anyone writing an extended piece of scholarly work, whether a student dissertation, a PhD thesis, or an academic book or article – even when they already possess excellent technical writing skills. Moreover, they affect people even when they have powerful and original ideas. I am sure I am not alone in having supervised PhD students who, notwithstanding impeccable writing credentials evidenced by first class degrees and excellent Master's qualifications, as well as intriguing research plans, struggle to translate the latter into a well-structured piece of extended writing. Of course, this doesn't mean they don't finish their degrees: rather, it affects the difficulty involved in doing so. Teaching writing, in the sense of helping students overcome those barriers, seems to demand something rather different from imparting a technical craft.

Anecdotally, one exceptionally talented former colleague of mine who suffered excruciating difficulties in finalising written work managed to labour through the pain barrier to produce a single published essay before they left academia for a very successful career in legal practice. Decades on, that one essay is still widely read, and is regarded as a classic in its

field. Significantly, my colleague's writing difficulties were alleviated by the very different context of a busy legal practice. For them, the hard deadlines and constant pressure that might be thought to present real difficulties for anyone with a history of writing block in fact mitigated them. Perhaps it freed my colleague from a self-critical perfectionism that the less structured context of academic writing allows: the immovable deadline and practical restriction on relevant arguments offering permission to be more pragmatic about the standards to be reached, and less opportunity to revisit the framing and structure of arguments. This anecdote, I think, reveals something very important about writing: that the experience of it, and of barriers to writing, are varied, contextual, and in significant measure personal and psychological. For the production of good writing – whether academic or literary – depends on a delicate balance of two things which are ostensibly in tension with each other: the self-confidence and self-esteem to think that one can articulate one's ideas effectively and that those ideas are worth committing to final textual form and sharing with others; and a capacity for engaging in, and acting upon, critical self-reflection. Writing, in other words, requires a balance between the ego and the super-ego: an unchecked ego threatens quality, while an over-active super-ego can close down the writing process entirely. Hence the limits of the 'skills' model of writing pedagogy, important though writing skills are.

But if the lived experience of writing is so personal and contextual, why did I feel it would be useful to share and reflect on my own experience over my 40-year career? For two reasons. First, very few scholars have an even experience of the pains and pleasures of writing over the life course. So each of our individual experiences offers an opportunity for reflection on the contexts and psychological factors which make writing easier or harder, more pleasurable or more painful, at different times.

The second follows on from this, but has more to do with the impact of the experience of difficulty in writing, and the shame that can come with that, particularly in an increasingly competitive and demanding academic world. My former colleague, who is also a close friend, sometimes reminds me how lucky I am that I find writing reasonably easy. Probably most people assume, from my publication record, that that is indeed the case. To believe otherwise would seem to indicate a rather longstanding masochistic tendency. And perhaps there is some truth in that. Another person I am close to, one of the most successful and highly cited social scientists of their generation, finds every piece of writing excruciatingly difficult, but sticks with it because of the depth of their commitment to developing and sharing ideas

which can help us to understand the world we live in. I haven't had to face anything approaching this kind of problem. For some reason, I have always regarded expressing my ideas in writing as entering a dialogue: I care that my written work should be well argued and polished; but I have rarely felt burdened by the sense that it must be definitive. This longstanding disposition was crystallised by a key piece of advice early in my career, when Ted Honderich, the editor of the series in which my first book appeared, concluded his comments on a draft with an injunction not to spend too long finalising the text, underlining the message in characteristically emphatic style: 'It's not the sermon on the mount, Niki!'

But, alas, while I have indeed often found writing exhilarating and straightforward, that has most definitely not always been the case. And two experiences over the course of my career have convinced me that it is important – perhaps, given the developing structure of academic life, increasingly important – to be open about those difficulties and to share one's experience of them.

The experiences that brought me to that conclusion were these. First, in researching a biography of legal philosopher HLA Hart, I was fortunate to have access to his personal diaries. These shone much light on the development of his ideas. But they also revealed the intermittent, but acute, crises of confidence which attended the whole of his writing career, often leading to periods of inability to finalise papers or believe that what he had to say – even what he had already published – was worthwhile. The pressure he felt was mainly generated by his own exacting super-ego; but it was exacerbated by the high-profile Oxford chair which he held and the desire for some respite from that pressure was the main reason for his early resignation from that chair in 1968.[1]

Hart's adult children were initially dubious when I stated my intention to include an account of his struggles with his writing in the biography. They worried that this revelation of his intense anxieties – in stark contrast to his worldwide reputation as a, if not the, pre-eminent legal philosopher in the post-war English-speaking world, and a well-known public intellectual, founded in his track record of books and articles many of which are still regarded as classics today – would in some sense undermine his reputation. I argued that, on the contrary, his commitment to overcoming the difficulties should be seen as enhancing rather than diminishing his reputation. Few of us, I think, would have had the strength to persist in the effort to articulate our ideas in the face of the torments

1 Nicola Lacey, *A Life of H L A Hart: The Nightmare and the Noble Dream* (Oxford University Press 2004), in particular ch 9, 11, 13.

of insecurity which Hart expressed – one hopes, to some therapeutic effect – in his diaries. So the account of these struggles did find their way into the book. Readers do not seem to have thought in fact that they diminished his achievement: in the academic world, as elsewhere, nothing succeeds like success. But my account of his struggles did have a big impact on readers. I received (and, 20 years on, still receive from time to time) dozens of letters, particularly from young scholars, thanking me for telling the story, and reporting the relief that they felt to realise that even the most eminent academics can face real difficulty in committing their ideas to paper. 'If even HLA Hart had these difficulties,' the reaction broadly went, 'then I am not inadequate in having them too; I feel less alone; I am reassured that they can be overcome.'

The second experience which made me think it important to share our reflections on writing came in the wake of the Covid pandemic. Academics' experience of the pandemic seems to have varied wildly. This became apparent in my own, highly collegial, department, whose very effective leadership during the pandemic kept us regularly and informally networked via Zoom and other online platform events. It seemed – and I hope it really was the case – that people felt able to talk openly about their experience of lockdown. This was of course very different along obvious lines such as where you lived and how much space (including outdoor space) you had access to; whether you were home-schooling and caring for children and/or worrying about the impact on their development; elderly care responsibilities; whether you were living alone or with others; how readily you could access friendship and other support networks; and, last but not least, whether you or your loved ones were among those who suffered serious illness from Covid or other causes. But as we emerged, it became clear that the experience of writing during the pandemic differed radically, and did so in ways that were not entirely explained by these objective differences in context. While some colleagues reported finding the enforced seclusion highly conducive to writing, I noticed that others were much less positive.

Despite being in very fortunate circumstances, with plenty of space, company and emotional and practical support, I myself succumbed to a depression which had probably been lurking for some years as I tried to negotiate the combination of doing my job and caring for my mother, who has dementia. I sought medical help, which definitely improved matters. But not enough to save me from one of my most painful writing experiences ever, notwithstanding that I had the support of my co-author, Hanna Pickard, who is also a friend, and of my husband, David Soskice, who is also an academic and well acquainted with the tribulations of writing.

When I presented the relevant paper, after the pandemic, at a department research seminar, I prefaced my presentation by saying that, while I knew many people had found that the relative calm of the pandemic provided a good writing environment, and admired them for that, I was, alas, not among them. (Indeed, so painful was the writing of that particular paper – since published in a peer-reviewed journal[2] – that only the fact that I felt a responsibility to my co-author, and even feared that if I abandoned the paper I might never be able to face writing again, kept me going. Fascinatingly, Hanna tells me that she has no memory whatsoever of the writing process, or even the paper's argument.) Following the seminar, I had many emails from younger colleagues, thanking me for my openness and saying – like my biography correspondents – how reassuring they had found it.[3]

It is in that spirit of openness, and for the reasons I have set out, that I offer my reflections on my varied experience of writing. I will relate five case studies covering research projects which resulted in some form of publication, recalling the experience and trying to reconstruct why it took the form that it did. The third and fourth case studies included extended moments of intense difficulty; the first, second and fifth were much easier, in part, in the case of the latter, because it offered a chance to reclaim what had felt like a loss in my earlier life, as well as a manageable diversion from a much larger, unmanageable project which continued to cast its shadow on my experience of writing for years to come. In conclusion, I will try to synthesise these experiences into a tentative account of the structural, institutional, cultural, personal and psychological factors which make writing, for many academics, a process which is central to their lives, careers and professional reputations, yet fraught with unpredictability.

STARTING OUT: MY GRADUATE DISSERTATION AND ITS UPSHOT

I sometimes joke to friends that my career is based on comparative advantage theory and a certain lack of imagination: I basically discovered at school that I was good at writing essays, and kept going. As a student, I rarely had difficulty in completing written assignments, and often enjoyed doing them. Don't get me

2 Nicola Lacey and Hanna Pickard, 'Why standing to blame may be lost but authority to hold accountable retained: criminal law as a regulative public institution' (2021) 104 The Monist 265–280.

3 Other articles in this series so far that discuss co-writing are Tamara Hervey, 'The company of long-distance co-writing' (2025) 76(RS) Northern Ireland Legal Quarterly 50–58 and David Cowan and Simon Halliday, 'Working and writing together – a reflection' (2025) 76(RS) Northern Ireland Legal Quarterly 88–96.

wrong: my run-up to drafting in particular has long been attended by anxiety, mood swings, and the sudden impulse to throw myself into domestic or administrative tasks which I generally avoid as long as possible. I privately (until now!) thought of this as a kind of writing related PMT ... But writing was generally, for me, a source of pleasure.

This was certainly true of the first piece of writing that was consequential for my career: my graduate dissertation while on the BCL programme in Oxford. Despite having a famously exacting supervisor, who had (unwittingly) pulverised the confidence of another student I was close to, I found it exhilarating. For me, the process of writing has always been bound up with that of thinking. Unlike people who, enviably, can articulate their ideas in discussion and debate, I often don't really know what I think about something until I have written it out. So, when it goes well, writing is a process of creative discovery and – the ego is never far! – self-realisation. (Interestingly, the successful academic friend who finds writing so painful has no difficulty in articulating their views orally: but as they try to commit them to paper, they find the impulse to capture on the page the complexity of the interacting parts of social and political institutions overwhelming.)

My dissertation was around the length of a journal article, so when I was lucky enough to land a tenure track job straight after my degree (those were the days ...), I assumed, with all the confidence of youth, that it would be reasonably easy to place it. I worked hard to streamline and polish it, and submitted it to a leading journal. In stark contrast to what happens today, I received a reply, from the main editor, personally signed, within about three weeks. The brief letter contained a polite but discouraging rejection, with no feedback whatsoever. As it happened, a colleague had asked me to write a paper for an edited collection, and the piece ultimately appeared there, complete with a typo in the title.

It was hardly a distinguished start to my professional writing career. But it did have an important effect on my publishing practice and, hence, my experience of writing over the next few years: it entirely put me off submitting, cold, to journals; and most of the publications on which I built my reputation in the first 20 years of my career were commissioned for book series, edited collections or special issues. It helped that there was far less pressure to publish in particular journals in those days (indeed, at the very beginning of my career, there was little pressure to publish at all, and many law academics built a perfectly respectable career on their teaching and the drafting of the occasional case note or commentary).

After this, I began to subject myself to the peer review process. This was because national research

assessment – along with promotion processes which were often yet more rigid in their demands, including the (to me) excruciating requirement to vaunt one's main writing achievements in the career development process – had made this a key condition for career development. I felt that I should be subject to the same experiences as my PhD students, mentees and colleagues still needing to build their careers.

I am sure I do not need to explain to this readership how exacting the process of article submission now is. One subjects oneself to a lengthy process, often culminating in confidence-sapping reports or contradictory feedback. Much as I applaud a focus on rigour and high standards, and applaud the hard work and professionalism (usually unrewarded) which goes into reviewing and editorial work, I cannot but feel that the particular peer review processes with which we have saddled ourselves are inattentive to the psychology and human experience of writing. I often reflect on the fact that the freedom which my ability to publish in whatever outlet took my fancy is no longer available to young scholars today. When I told colleagues that I had agreed to write HLA Hart's biography, a common response was to ask whether I was worried about its eligibility for the national assessment process. As a tenured professor at a leading university, and one with a pluralistic research culture, I could afford to shrug my shoulders. Most scholars are not so fortunate. I firmly believe that the freedom I enjoyed in my early career helped me to emerge from that initial brush with a journal rejection pretty much unscathed; as well as allowing me to find my own voice and explore ideas and resources beyond those then recognised as conventional legal scholarship.

CO-AUTHORING, BREACHING BOUNDARIES: *RECONSTRUCTING CRIMINAL LAW* AND *THE POLITICS OF COMMUNITY*

In 1987, I was nearing the conclusion of work on my first monograph and thinking of turning my hand to some writing which might directly inform my teaching. This included criminal law. Oxford boasted many talented criminal law scholars, but the first year course was quite conventional. As a result of studying and teaching criminal justice, I was already finding myself drawn to a socio-legal vision of the enterprise which was largely absent from the course. So I was delighted when William Twining approached me to contribute a text to the Law in Context Series, and eager to share the task with Celia Wells, with whom I had struck up a friendship and close intellectual relationship through the Women Law Teachers' Group. Luckily, another criminal law colleague, Andrew Ashworth, was already travelling in a contextual

direction, so, although I was still feeling quite insecure in Oxford, I felt the confidence to accept. I have written elsewhere about what led me into the substance of my various research projects;[4] here I confine myself to the process of writing, and in particular to how that process is shaped by the praxis of co-authorship.

Writing can be a lonely business; and the pleasures and rewards of writing are often thought of in very individualistic terms. But writing is in fact, inevitably, a relational practice – a process of co-production in dialogue with and/or counterpoint to not merely current interlocutors but authors with whose ideas one has engaged over the years. The experience of co-authorship makes this general fact particularly vivid, and, when it goes well, I believe that it can genuinely produce something which is greater than the sum of the authors' individual contributions.

But this is not to say that all successful co-authorship takes the same form. In Celia's and my case, we shared an overall vision of a text which would be accessible to students; which would make different voices and perspectives heard; and, above all, which would set criminal law in its historical, social and procedural context, approaching the law through the lenses of these different contexts rather than setting out the law and then, as an afterthought, noting their relevance. Within that framework, our approaches were quite different. Celia regarded my taste for setting out broad theoretical frameworks with amused indulgence, but constantly reminded me that the framework had to accommodate, and be sensitive to, the detail and texture of how legal arrangements emerge over time and have their meaning and effect in particular contexts. Conversations with our partners, respectively a medical lawyer and a political scientist, were also influential in encouraging us to reach beyond our comfort zones; and Joe, Alice and Lydia's cheerful scepticism that what we were doing on a Saturday could be anything like as important as the plans they had for us, was an important part of keeping everything in proportion. The collaboration, which extended to three editions,[5] also afforded a painful lesson in the impact of writing difficulties and how to work around them: a third co-author contributed significant ideas to the overall conception, but struggled to finalise text, and our co-author relationship did not survive beyond the first edition. I remember the writing process being fairly easy once Celia and I

4 'Companions on a serendipitous journey' (2017) 44(2) Journal of Law and Society 283–296.

5 Nicola Lacey, Celia Wells and Dirk Meure, *Reconstructing Criminal Law: Critical Perspectives on Crime and the Criminal Process* (Weidenfeld & Nicolson, Law in Context Series 1990); 2nd edn with Celia Wells (Butterworths 1998); 3rd edn with Celia Wells and Oliver Quick (Cambridge University Press 2003).

had sketched out a plan and our division of labour. In a striking example of one way in which the experience of writing has changed over the course of my career, I also remember writing the first draft of chapter 1 in longhand; and losing the entire text of chapter 2 in one of those basic mistakes which it was so easy to make in the early days of what we then called 'word processing'. (I stayed up all night to rewrite it – another learning process, but one which I have not repeated!)

A very different, but equally happy and formative, collaboration came out of a reading group on the communitarian themes emerging in the feminist and critical legal theory of the 1980s. My political theory colleague Elizabeth Frazer and I were struck, but also somewhat troubled, by what we saw as the resonance between contemporary feminism and communitarianism. Our book *The Politics of Community*[6] was, in effect, our effort to work out what we thought. Whereas Celia and I had simply divided up the chapters of *Reconstructing Criminal Law*, commenting on each other's drafts, Liz and I wrote much more organically, swapping fragments and sometimes working on drafts together. But once again, working with someone with different skills – in Liz's case, in sociology and political theory – to mine, gave me the confidence to expand my horizons, as well as being a lot of fun. I am genuinely unsure which of us wrote large chunks of the text. The journey to publication was not, however, smooth. Each of us had major crises of confidence along the way. Luckily, they came at different times, and we were able to help each other through them.[7] When mine came, I also had fantastic support from David, and from a group of colleagues at Stanford Law School, where I was a visitor while drafting the final chapter of the book. But this first experience of writing paralysis felt existential, and I remain deeply grateful to the people who calmed me through it. It gave me a lasting sense of the importance of forcing oneself to share drafts even when one dreads the reaction; as well as of the kindness and generosity of other scholars. I have gone on to develop several other significant co-authoring relationships, and, while I personally find it necessary and productive to intersperse collaborative with single-authored projects, I really treasure the companionship and inspiration that comes with co-authoring.

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6 Harvester Wheatsheaf 1993.

7 Amusingly, when Liz kindly commented on a draft of this piece, she noted that she had felt quite uncertain about the book and had worried that my grasp of political theory was more confident than hers. My perspective was, of course, precisely the opposite: she was the political theorist, and I was simply a transgressive lawyer. Perhaps this kind of productive mutual misrecognition should be accorded one of the benefits of co-authoring ...

USING PAST EXPERIENCE TO ORIENT MYSELF IN NEW TERRAIN: *A LIFE OF HLA HART*[8]

Throughout my career, I have interspersed what I thought of as 'purely academic' writing projects with projects aimed at a broader audience: mainly undergraduate students and policy-makers. A literary agent friend suggested several times that I try my hand at biography, which she argued would bring my research skills together with my desire to write more creatively. The idea was appealing, but no subject readily came to mind. A few months later, I had a huge stroke of luck. David and I dropped in on Jenifer Hart, widow of HLA Hart (we had known the family both personally and professionally from our time working in Oxford). She said she would like to consult us on who should write Herbert Hart's biography. We discussed various names (my first thought was Ray Monk: Jenifer's riposte was characteristic: 'Don't be silly, Niki: Herbert wasn't famous enough for Ray Monk!'). As we drove back to London, David said to me, 'You'd like to do that, wouldn't you?' He had realised it before I had. I rang Jenifer the next day to make the tentative proposal; she took a few days to consult with the wider family and, several days later, I found myself as the commissioned biographer of one of the leading figures in twentieth-century legal philosophy.

The opportunity came at a very good time: I had a year-long fellowship at the Wissenschaftskolleg in Berlin, awarded for a project on the historical development of criminal responsibility (of which more below). For a while, I tried to run the projects in parallel, but both involved a huge amount of material entirely new to me; and, given the urgency of interviewing the people well placed to talk about Hart and his work, many of whom were elderly, the biography gradually took priority. It was a dream project: I had unrestricted access to a fascinating archive of letters and diaries, many of which had never been read, let alone interpreted; the archive was of manageable size, as was Hart's oeuvre, which I knew well but re-read, chronologically; I had incomparable library facilities at the Wissenschaftskolleg; and Hart's family, friends and colleagues were on the whole willing and very articulate interviewees. In addition, I knew not only Hart and his family but his intellectual world, and my 11 years at New College from the mid-1980s had given me a good sense of the peculiarities of Oxford. So the research process was thoroughly enjoyable and fairly straightforward. About two years in, I had plenty of material on which to base an outline for the book: it was time to start writing.

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8 Lacey (n 1 above).

And that was when my difficulties began.

Biography is a notoriously tricky terrain: one which throws up a variety of practical, intellectual and ethical challenges. Moreover, there is nothing approaching an established methodology or set of protocols about how to approach the task – at least beyond a list of obvious 'no-no's. The very project of biography seems to be premised on the assumption that the biographee's life experiences and personality have in some way shaped the work or other features which make them an interesting subject – but how does the biographer render this without succumbing to reductivism? How should one select among the myriad stray facts, events, materials so as to weave the sort of coherent narrative that biography readers enjoy reading? Does that very process of narrative shaping imply a flattening out of the complexity and multiplicity of human experience, pandering to readers' desire for narrative closure and imposing a 'character' on the subject rather than letting them speak for themselves? What self-imposed limits should the biographer draw around the use of very personal material? How should the biographer, in a post-Freudian world, approach an interpretation based on materials among which those relating to early childhood are almost invariably the least rich? Many established biographers have written thoughtfully about these and other issues, and I gratefully drew on their insights, as well as the generous advice of a few biographer contacts. But as I got closer and closer to the time of a research trip to the Australian National University during which I had planned to start writing, I felt a welling sense of panic. I distinctly remember browsing in Blackwells bookshop in Oxford one day when I had been doing archival research, and finding myself desperately seeking out the 'how to …' shelves in the ludicrous hope that there might be a volume on life-writing.

The first weeks in Australia duly involved a lot of painful sitting in front of a blank computer screen. I knew the rules: I needed to work out the structure of the book, and then I'd be able to start writing. But … every time I thought I had settled on that structure, I would be beset by anxiety about whether I could really justify its shape and direction of travel. Gradually, I came to two insights which loosened the knot of anxiety and allowed me to start writing – at first painfully slowly, but with increasing pace and confidence as my particular interpretation of Hart's life began to emerge. The first breakthrough was precisely coming to that conclusion: that any biography is simply one interpretation. It followed that the key ethical and practical condition for realising the project was to articulate to myself (and, ultimately, to my readers, in a foreword about the research and writing process) the precepts on which I made my selections of both material and its limits. My

book would not be the last word on Hart, his life and his significance: all I could do was offer a reading and be transparent about its basis. The second followed from the first: I had to, in effect, make up my own methodology. And here I found the resources of social theory, which I had discussed with Liz Frazer while we were working together, invaluable. I worked out a conception of biography as a particular form of social theory: a vision of the world as seen through the lens of a particular life. At the centre of the biographical vision is, of course, the biographical subject: but, flowing from or bearing on him or her, are vectors of influence running both to and from that core. The subject's distinctive personality is shaped by their relationships, their childhood, their experiences in the institutions – schools, elite universities, MI5, the Bar, in Hart's case – in which they have worked; by the period through which and the environments in which they have lived; by the geopolitics of time and place. Conversely, the subject him or herself also influences the people, institutions and social world around them. Life-writing, in other words, raises not only psychological and historical questions, but some of the key questions animating theoretically reflective social science.

From then on, the writing was steady, though not without its difficulties. I vividly remember getting feedback on my first draft chapter from my literary agent friend, Ros Edwards, who had very kindly offered to act for me, and who gave me my first real taste of how much brilliant editorial advice can contribute to a writing project. The chapter – I began in the middle of Hart's life, which was where I felt the key to my interpretation lay – dealt with his return to Oxford after the Second World War. 'Marvellous,' Ros wrote: 'an excellent start. Just a few thoughts:

> You know what Oxford looks like, and so do I. Hopefully, you will have some readers who don't. Show them! (And *don't* tell them!)

And so it went on. I had to work hard on making my sentences shorter and more vivid; and finding a way to make the book intelligible to a general audience while not compromising on putting Hart's work, which was often quite technical, at its core. I was definitely a better writer by the end of this apprenticeship. I have never worked so hard (or so obsessively! – David was working abroad at the time, leaving me free to indulge my taste for late night writing sessions …) But I wince to recall that when I worked over the draft of my first journal article after the biography was finalised, I noticed that I had immediately returned to my comfort zone of lengthy sentences punctuated by parentheses …

RECLAIMING THE PATH NOT TAKEN: *WOMEN, CRIME AND CHARACTER*[9]

The publication of Hart's biography led to a glut of speaking invitations, and for the next year or so my writing was dominated by post-biography projects of one kind and another. It was also time to take on an administrative job at work, acknowledging my department's generosity in allowing me to take some special leave to work on the biography. But the criminal responsibility project now demanded my attention. The years of neglect had accorded it a rather sinister aura: could I get back into all the historical detail I had amassed and synthesised in a couple of papers written before the biography took over? The task suddenly seemed overwhelming. But I then had another incredibly lucky break: I was awarded a three-year Leverhulme Fellowship to resume work on the project.

What happened next is really an object lesson in how *not* to organise the writing of an ambitious, long-term project. I did a larger version of succumbing to an urgent need to tidy the house or do my administrative filing in the face of a writing deadline. I took on the delivery of two tempting sets of public lectures. One of them was, admittedly, adjacent to the criminal responsibility project, but the other was in the very different field of the comparative political economy of punishment.[10]

The former was a particularly alluring project for me. I had spent the summer before starting my Leverhulme fellowship reading eighteenth and nineteenth-century novels, so as to get my head back into the period in which my larger project was set. I had been asked to give a lecture on International Women's Day, preferably on a feminist topic. As I pondered the invitation, I found that the next novel in my pile was Daniel Defoe's *Moll Flanders*[11] – the tale of a working-class woman who makes her way through late seventeenth-century England via regular theft and a variety of enthusiastic sexual adventures. It struck me that such a heroine would be more or less unthinkable at the other end of the period of literary realism in the late nineteenth century: on the rare occasion they made an appearance (other than in the

9 Nicola Lacey, *Women, Crime and Character: From Moll Flanders to Tess of the d'Urbervilles* (Oxford University Press 2008) (The Clarendon Law Lectures).

10 Nicola Lacey, *The Prisoners' Dilemma: Political Economy and Punishment in Contemporary Democracies* (Cambridge University Press 2008) (The Hamlyn Lectures). This book's analysis drew on the 'varieties of capitalism' paradigm, developed by Peter A Hall and David Soskice (eds), *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage* (Oxford University Press 2001), and led in due course to a series of papers co-authored with David. We are agreed that the – remarkably common – practice of marital co-authoring calls for a separate essay …!

11 Penguin Classics [1722] 1989.

Gothic novels – a fascinating story too), female offenders were more likely to resemble Thomas Hardy's abused and oppressed *Tess of the D'Ubervilles*.[12] It also happened that legal historians had shown that the time of Moll Flanders was an exceptional one for women in the criminal courts: on the cusp of the eighteenth century, they even exceeded men in numbers of defendants tried for theft at the Old Bailey, before gradually dwindling in numbers steadily through the end of that century.[13] Here was a new challenge: to weave together the insights of legal and literary history so as to put together a persuasive interpretation of the links between the construction of women in criminal law and their construction in the emerging processes of informal social ordering so eloquently represented in the great novels of the period.

I absolutely *loved* writing this book. Despite the obvious challenge of bringing legal and literary resources into productive dialogue, it almost felt as if the book wrote itself. As with my other projects, I found scholars in other disciplines incredibly generous, which was a significant help to my amateur historical and literary effort. But the ease of the writing, had, I think, another source which is perhaps worth pondering amid any effort to understand the dynamics of academic writing.

As a schoolgirl, I had loved studying literature, and had intended to read it at university. Indeed, I applied to do so. But I then came under very sustained pressure from my school and my parents, and I caved in and changed my application to law. The enthusiasm – even joy – which I felt in writing this book flowed, I think, from a subconscious sense that I was getting a second chance: the opportunity to live at least part of a life I had imagined for myself but had ultimately rejected. It also helped me to come to terms with that earlier decision because it led me to the conclusion that I might not have enjoyed literary studies as much as my 17-year-old self had anticipated. I have always had a taste for legal, social and political theory, and I am more than willing to work my way through difficult theoretical texts where I can see that they will help me to shape my ideas and understand whatever I am researching. But I am intolerant of carrying more theoretical baggage than I think is necessary, and I did feel that some forms of literary theory came into that category. But the insight – which of course I came to rather late, law and literature studies of various kinds already being a well-established field by then – that literature could inform and animate interpretive legal work was a revelation, and one which

12 Bantam Classic [1891] 2004.

13 Malcolm Feeley and Deborah Little, 'The vanishing female: the decline of women in the criminal process 1687–1912' (1981) Law and Society Review 719–758.

has stayed with me and given me several happy writing projects since. And even though writing *Women, Crime and Character* further delayed my work on the broader responsibility project, it also, ironically, helped me to domesticate what had become in my mind the dangerous creature of that broader project. For a while to come, my engagement with it consisted of the occasional, timorous visit to its cage to see whether it looked as frightening as I remembered. It usually did. But the interpretation I had shaped in *Women, Crime and Character* gave me a sense of how to tell the broader story; and after a bit more groaning and engagement with writing pain barriers, the monster re-emerged between the covers of a remarkably well-behaved book. I wish I could tell you that I enjoyed writing it. But I do feel intense gratitude that I managed to finish it before it finished me ...

IN CONCLUSION: SYNTHESISING THE LESSONS OF A LIFE OF WRITING

I hope to have shown that experiences of writing are shaped by both psychological states and a wide variety of external circumstances. It follows that they affect individuals in different ways both across the life course and in relation to particular projects. So it is difficult to sum my argument up in any neat synthesis, let alone any set of injunctions about how to go about the writing process. But it is, I think, possible to draw out some broad lessons about the factors which are likely to bear on academics' experiences of writing, in the hope that these speak beyond my own very particular (and in many ways very privileged) experience.

Let me start with the factors that seem to be to be broadly conducive to reasonably enjoyable writing. First and foremost, being motivated by a question or avenue of inquiry in which one is genuinely interested and, preferably, about which one feels passionately. This, one might think, is obvious: but, as I shall argue below, institutional factors which steer academics towards certain kinds of projects or forms of output can be a significant complicating factor intervening between the intellectual excitement which motivates a writing project and its realisation. However, excitement, interest and passion provide much of the satisfaction of writing, and hence, ideally, should lie at the core of any writing project.

Second, the psychological pre-conditions. To write without undue pain, one has to not only feel a keen interest in what one is doing: one has to have the confidence that one has something worth saying, and the capacity to do the analytic, critical and/or creative work to get it said. This is probably the most elusive, as well as the most individual, component of writing. Almost all writers go through periods of self-doubt, and the

road back from them can take radically different forms, from medical or therapeutic treatment for depression or anxiety through strategies such as discussing the difficulty with friends and colleagues, taking a holiday, taking time out from the project which is causing the problem or, most radically of all, simply abandoning it for something more tractable. The latter may seem like a nuclear option: but I think being willing to contemplate it is probably an important component of a healthy writing psychology. Nor need it be an admission of failure. To take just one example, the distinguished biographer Richard Holmes turned several abandoned biographical projects into a fascinating volume of essays reflecting on what he had learned from each uncompleted book.[14]

Finding the right project for one's circumstances is, I think, a third key to avoiding too much pain in the writing process. To take a personal example, I think that the difficulty I encountered in finishing my book on the historical development of responsibility was not simply the successive deferrals I have already mentioned, or the admittedly overambitious nature of the project, but also my circumstances at the time. My elderly mother's needs were growing inexorably, and I experienced, for the first time in my life, what I imagine most parents of small children have to contend with: the feeling that a considerable part of my intellectual and emotional bandwidth was subconsciously distracted by the effort to anticipate and/or deal with the various problems which care responsibilities throw up, often in entirely unpredictable ways. Once the book was finally done, I resolved not to take on a book-length project until I found myself in a less stressful situation: and only now, two years after my mother's admission to a care home, do I feel able to contemplate a long-term project once again. Obviously, some people are much better at compartmentalising the demands on them, and they would probably have had a very different experience. But conversations with friends suggest to me that I am not alone in finding it hard to achieve the deep levels of concentration and continuity required by work on a monograph in emotionally demanding periods, though my taste for ambitious projects which transcend disciplinary boundaries – an important precondition for my retaining intellectual interest – has doubtless made things worse. Meanwhile, I have found that working on single articles provides plenty of intellectual stimulation, and much less strain.

A fourth strategy is finding the right way of working on a project, given one's psychology and circumstances. For me,

14 Richard Holmes, *Sidetracks: Explorations of a Romantic Biographer* (Harper Collins 2000); see also his *Footsteps: Adventures of a Romantic Biographer* (Hodder & Stoughon 1985).

working collaboratively has been a source of intellectual inspiration, of motivation in difficult times, and of joy (though ill-fated collaborations can, obviously, produce quite the opposite …). Co-authorship is not for everyone: but for many of us, it brings a companionship which mitigates the loneliness and pressure of writing; and which expresses the quality of writing as entering into an ongoing conversation rather than producing definitive texts. More generally, the support and companionship of colleagues, friends and family seems to me a key part of the emotional architecture of enjoyable – or at least non-traumatic! – writing, not least in helping us to keep that sense of proportion which Celia's children so ably provided when we were writing *Reconstructing Criminal Law*. One of the many pitfalls of the solitary aspect of writing is that we can lose that sense of proportion, and this is doubtless more of a risk in the world we now inhabit, in which good publications and research recognition are accorded far more importance than they had at the outset of my career, and in which the relevant criteria for what counts as excellent writing are institutionally defined.

Last but not least, the experience of writing depends, or course, on access to resources: time, notably sabbatical leave and reasonably uncluttered vacations; libraries and archives, digital and otherwise; clever colleagues and students able and willing to give feedback; outlets willing to publish our work and institutions willing to promote it, within the framework of a robust defence of academic freedom. This might seem too obvious to deserve mention; but it has to be reiterated in a world in which higher education in many countries is under challenge. The most obvious challenges come from interference with free expression and with academic freedom. But robust funding models which can sustain the institutional conditions for a defence of that freedom and the provision of the time and other resources necessary to sustain academic research and writing are equally important.

The factors which can obstruct the writing process are to a large degree simply the converse of those which nurture it: a loss of motivation or even interest in one's subject (approaching a taboo topic among academics, but I suspect much more common than most of us like to admit); crises of confidence; isolation or difficulty in drawing on networks of intellectual communication and support (a problem for many during the pandemic, for example); a lack of access to the resources necessary to good research and writing – time, a peaceful space, research materials, freedom to think, people with whom to share and discuss ideas.

It is, however, very well worth pondering the institutional arrangements which may in subtle ways produce or exacerbate some of these counter-writing

dynamics. Interference with academic freedom or cuts to the resources available to universities are obvious examples. Equally important, I would argue, are the detailed regulatory processes through which academic writing is increasingly governed. Aimed at the promotion of good research and the recognition of quality though they have doubtless been, the reach and intensity of academic auditing of one kind or another has undoubtedly, in my view, intensified the competitive and individualistic nature of academic life, increasing the psychological strains of writing. In addition, the organisation of research assessment on disciplinary lines has encouraged the development of rankings of journals whose criteria for publication have in some subjects – happily, far less in law than in some other social sciences – narrowed the range of work which can find the most prestigious outlets. This has also been inimical to the development of research infrastructure well adapted to nurturing the sorts of interdisciplinary conversations and collaborations on which the resolution of many of today's most urgent social problems depends. Moreover, these arrangements have handed a further premium to those fortunate enough to have high levels of self-confidence or for whom competition for recognition provides one of the key incentives for writing. It seems all too likely that this has differential impacts on groups traditionally marginalised along lines such as sex, gender, race or ethnicity in the academy as elsewhere.

It remains only to reiterate that what I have offered here is a very personal set of reflections. Other academics would doubtless see things differently. But I offer them in the hope that they may spark glimmers of recognition in at least some readers, and perhaps help to assuage that experience of loneliness which I suspect is at the core of many moments of writing difficulty, and which was so eloquently expressed by my post-biography correspondents 20 years ago.