**319C - Philosophy of Law –Winter 2020**

**ESSAY 2 ASSIGNMENT INSTRUCTIONS**

The text of the essay should be no more than **500 words** (typed, double-spaced, 12 point font, Arial, 1 inch margins).  Your references/bibliography and any figures or charts can take up additional words / pages.  Be sure to reference the figures or charts at the appropriate places in the text if you use them.

1. The essay assignments are individual work.
2. Each student will be notified of the specific Canadian legal case on which to write the essay.
3. Maximum points for the essay are 10 points (10% of the final grade).
4. The reading material (the specific case from the course's book "Canadian cases in the philosophy of law) for each student's essay will be assigned on February 12th (Wednesday) at 10:00 AM.
5. Students are requested to submit their essays on February 17th (Monday) at 23:59 PM the latest.
6. All essays must be submitted in a Word document file.

**The essay must be written in the following way:**

(1) Introduction:  Write a short introduction, which includes a summary of what the case is about? What is/are the specific question/s that the court was challenged with? [Approximately 1-4 sentences]

**For example**: "In this case the supreme court considers the boundaries of the protection of freedom of expression in section 2b of the Canadian charter in the context of offers of sexual services".

(2) Write down 1 argument in support of each side of the dilemma / question discussed (2 arguments altogether). You may find the arguments in the case itself or you may need to do research to find relevant arguments. Make sure to include references to the arguments you bring. [Approximately 2-4 sentences for each argument]

**For example**: Argument A: Freedom of speech should be limited when it violates another fundamental right such as the right of the people to protect their core values and principles for establishing a society which is based on dignity and respect to all. A sexual service violates the right of all beings not to be presented in a humiliating way.

Argument B: Freedom of expression guarantees free societies where people are not subject to oppression. Once you start to limit the freedom of speech, it is a slippery slide. Like any other human right, sometimes it comes with a price. A democratic society should be willing to pay this price.

(3) Write down a summary of the court decision and its rationales. [Approximately 4-6 sentences]

 (4) Write down what theory of law may best explain the court ruling and why? (For example: Natural law theory, Legal positivism, Legal realism, Critical race theory etc.) [Approximately 2 -4 sentences]

(5) Analysis: Write your own thought about the court decision. This section is where you develop your own thesis and argument about the case ruling.

Remember: Analysis is much more than a simple declaration of whether you "liked" or "agreed" with the argument or not, so avoid this common mistake.   In the analysis section, you present your analysis of the court decision, including arguments and evidence in support of YOUR opinion / analysis.

You may ask yourself some of the following questions as you think about the Author's argument: What values and beliefs come through in the court ruling?  What assumptions about the world / Humans / society / values / principles does the court make?  Do you agree with those assumptions?  Why or why not?  How does the truth or falsity of the assumptions affect the validity of the court decision?  Where is the court argument weakest, and where is it strongest?  Does the court conclusion logically follow from the argument?  Does the court have any "blind spots" or commit any oversights?  Use specific evidence from the case that illustrate your points about its strengths and weaknesses, possibly including short quotations.  See below for the correct way to reference citations so as to avoid plagiarism!!

Note: your argument about the verdict will be **the most** important and interesting part of your paper.

**\*\*\*REMEMBER**: Direct quotes must be in "quotation marks". References to specific sections or paraphrases of particular ideas of the author must also be cited with page number in parentheses at the end of the sentence.  See below for the correct way to do this.

**TIPS on WRITING YOUR  ESSAY**

**(1)**Take careful notes while you read, about the case, argument, evidence, and so forth, as well as your own reactions to it.

**(2)**Brainstorm and create a basic outline of topics & ideas before you begin.  Define the court main thesis and develop your own thesis.

**Criteria for evaluating your essay:**

1. Following the technical instructions (see above).
2. Including all five parts of the essay requirements in a satisfactory way.
3. Demonstrating a good understanding of the case and the questions / dilemmas involved.
4. Including a substantial analysis which demonstrates a genuine effort to think on the case in a critical way and bring your own meaningful thoughts and arguments on the topic.

Good Luck!