

JURISPRUDENCE AND PHILOSOPHY OF LAW FINAL TAKE-HOME TEST

You have to complete **ALL questions**. This take-home exam evaluates your ability to apply the methods, theories, and principles that we discussed. In all your answers, you must refer only to sources (topics, theories, concepts, examples, readings, etc.) that we discussed in class. You are not permitted to consult with anyone about this test. Please do not ask me questions about the test once I give it to you. As a matter of fairness, I do not want to give answers to some students that others do not have the benefit (or detriment) of hearing. You will simply have to use your own judgment about how to handle any possible difficulties, including the interpretation of the questions and tasks. **Submission:** You need to **submit this final take-home test to the Algoma University Moodle platform for this course in an MS Word document by the deadline, i.e., Thursday, December 9, 2021, 10 pm EST**. Please include your name on top of the test and don't include a title page.

1. On August 5, 2017, Martin Shkreli was convicted of securities fraud and conspiracy in what prosecutors said amounted to a Ponzi scheme. While awaiting sentencing for his fraud conviction, Shkreli was sent to jail after a federal judge revoked his bail because he had offered \$5,000 for a strand of Hillary Clinton's hair. He had made two Facebook posts offering cash to anyone who could "grab a hair" from Mrs. Clinton during her book tour. At the hearing in Federal District Court in Brooklyn, Judge Kiyo A. Matsumoto said that Mr. Shkreli's posts could be perceived as a true threat. He was later sentenced to seven years in prison. Do an online search of the social factors of the case and apply Donald Black's Sociology of the Case method to understand his conviction and incarceration.
2. Discuss whether it is legal and/or ethical for governments to mandate Covid tests and Covid vaccines.
3. Discuss the following quote from Eco's book *Interpretation and Overinterpretation*. "Evidence [in a text] is considered a sign of something else only on three conditions: that it cannot be explained more economically; that it points to a single cause (or a limited class of single causes) and not to an indeterminate number of dissimilar causes; and that it fits in with the other evidence." (p. 49).

4. In February, 2021 the Canadian federal government adopted hotel quarantine rules as a means to discourage international, non-essential travel. Do an online research about this measure. State it and apply the Critical Legal Studies' deconstructive method.
5. Discuss the following statement accepted as law in Canada "Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament." What does it mean? Do you agree? Why or why not? What are the flaws of this argument? What are its virtues? What would Richard Rorty say about this statement? What about Umberto Eco?
6. Discuss Oliver Wendell Holmes' quote "We do not inquire what the legislature meant; we ask only what the statute means." What would Richard Rorty say about this statement? What about Umberto Eco?
7. Explain the differences and similarities between Law, Ethics, and Morals by referring to examples discussed in class.
8. Read again the articles about Hilaria Baldwin and discuss the following questions
 - a. Are Hilaria's actions offensive? Why or why not?
 - b. Who is offended by her use of a Spanish accent and name? Why?
 - c. It is now socially (and legally) accepted to ask others to respect our pronoun and gender choices. How about the choice of our names? How about cultural identity?
 - d. Who speaks for a community? Should those speaking on behalf of the community respect what other members of the community think? Can someone outside the community speak on behalf of that community? Why or why not?
 - e. Are there any stereotypes in the criticism of Hilaria's behaviour? If so, what are those stereotypes?