

LAW AND SOCIAL SCIENCES: MIDTERM TAKE-HOME TEST

You have to answer **ALL** questions. Each question is worth 20% of the test grade. This take-home test evaluates your ability to apply the theories, methods, and principles that we discussed in class. Clarity and precision are essential. Please follow the required format. In all your answers, you must refer only to sources (topics, theories, elements, examples, readings, cases, etc.) that we discussed in class. **Unless otherwise instructed, no outside sources may be referred to or included in your answers.** You are not permitted to consult with anyone about this test. Please do not ask me questions about the test after our review class. 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 evaluation to the Algoma University Moodle platform for this course by the deadline, i.e., October 27, 2022 by 2.30 pm EST.** We will not meet in class or have an online session on Oct. 18 and 20 so that you can work on this test.

Format and organization of your answers

Scenarios (Questions 1-4)

Break down the case according to each of the issues you need to address such as rule, function of law, social science discipline, etc. and use a heading for each of these issues. You should only address the issue under its relevant heading. You need to identify the issue and briefly explain the concept or issue and the reason why this prevails or applies in the scenario. For example, if you need to identify the branch of law you can say something like:

Branch of Law: International Law

International law prevails in this scenario because International Law deals with relations between or among two or more states. In this case, the scenario involves negotiations between the United States and the Russian Federation over the use of nuclear weapons. So, International Law governs these negotiations.

Short essay question (question 5 of the test)

Purpose

The purpose of your essay is to state and prove your thesis. In general, this is the answer to the question or task from the test, e.g., explain and illustrate a quote, analyze a text, etc.

Introduction

The introduction acquaints the reader with the topic. You will need to summarize in your own words the quote or text you need to explain and analyze and place it into a larger context. The introduction should be short, simple, and clear. The most important aspect of your introduction is your thesis. You also need to place your thesis into some larger context.

Thesis development.

You need to divide your short essay into sections. Each section should include only one idea, major point, or argument. Generally speaking, each section should have only one paragraph. The section must be preceded by a heading, which must capture the main idea of the section. Also, each paragraph must contain a topic sentence, which must be similar to the heading. The rest of the section must provide examples, explanations, and evidence to prove the topic sentence. Please address the opposing arguments that others could have about your own arguments.

Conclusion

The purpose of the conclusion is to bring the essay to a satisfying close. You should avoid bringing up a new point in your conclusion. You should avoid a lengthy and excessive summary. Simply, summarize your thesis and main arguments. The most successful conclusions are thoughtful and reflective. Go back to the context. After having presented your topic and proven your thesis, you want to be able to make an overarching statement based on that information. Just as the introduction sought to place the essay in the larger context about the topic, so should the conclusion insist on returning the reader to that ongoing conversation.

Citation Format

The *Chicago Manual of Style* (author-date) or the **Canadian Guide to Uniform Legal Citation (aka The McGill Guide)**.

Example of format and organization

Please have a look at Tetley's article on Mixed Jurisdictions Part 2, widely available online, for an example of the required format.

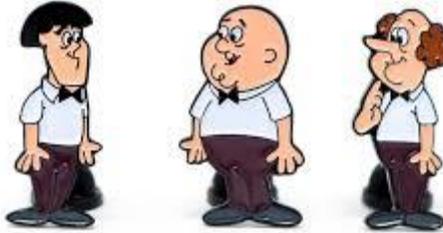
1. Analyze whether the following scenario constitutes law or not. If so, identify the theory or discipline behind that conception of law, e.g., Positivism, Legal Anthropology, etc. and, where appropriate, identify the legal rule/s, the structure of the rule/s, the elements, function/s, branch/es, and any other relevant aspects discussed in class. If the scenario does not explicitly state the legal rule, where appropriate, please infer it but don't make it up.



Jess and Rory have been dating for quite a few months. While Jess has met Rory's friends and family, Jess has kept his inner circle elusive and hidden from her. When he posts a cute photo to his main Instagram grid, he simply shares an Instagram Story that shows the bottle of wine that they're sharing... and he tags his local wine shop, but not her. Furthermore, Jess gets very uncomfortable when Rory suggests they make their relationship known on social media. When his parents are in town, Jess tells Rory that they're too busy to see her because they've... got to go shopping. Rory feels hurt and humiliated. She tells her friends about Jess's attitude and they all think she is stashing her. So, Rory decides to ghost Jess.



2. Analyze whether the following scenario constitutes law or not. If so, identify the theory or discipline behind that conception of law, e.g., Positivism, Legal Anthropology, etc. and, where appropriate, identify the legal rule/s, the structure of the rule/s, the elements, function/s, branch/es, and any other relevant aspects discussed in class. If the scenario does not explicitly state the legal rule, where appropriate, please infer it but don't make it up.



Moe was driving 40 km/h over the speed limit during the morning rush hour on Larchmont Boulevard in Valeska when Larry, a pedestrian, crossed the street. Moe frantically slammed on the brake and swerved the steering wheel. But, it was too late. He ran over Larry, who was pronounced dead on scene. Moe was charged with homicide, which is defined as “intentionally or negligently causing death to another human being” and is punished with a minimum of 20 years in prison. Shemp, the Valeska city mayor, expressed his condolences to Larry’s family and friends and commented that while tragic incidents like this are thankfully rare in Valeska, the effect they have on individuals and the community can be long lasting.

3. Analyze whether the following scenario constitutes law or not. If so, identify the theory or discipline behind that conception of law, e.g., Positivism, Legal Anthropology, etc. and, where appropriate, identify the legal rule/s, the structure of the rule/s, the elements, function/s, branch/es, and any other relevant aspects discussed in class. If the scenario does not explicitly state the legal rule, where appropriate, please infer it but don't make it up.



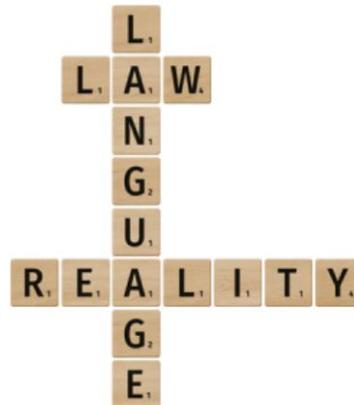
Immediately after the death of Her Majesty, Queen Elizabeth II, Parliament unanimously passed a federal law to order a 10-day period of mourning, during which the flags on all federal buildings would be flown at half-mast until sunset on the day of her funeral. The law was approved unanimously in both the Senate and the House of Commons.

4. Analyze the following rules by applying the Critical Legal Studies method of deconstruction (reversal of hierarchies).

- No persons other than members who hold a licence shall: (a) practise law in Saskatchewan; or (b) hold themselves out as, or represent themselves to be, persons who may practise law in Saskatchewan.
- Ottawa is now requiring crowdfunding sites to register and report transactions to the federal anti-money laundering watchdog in the wake of the truckers' Freedom Convoy protests earlier this year. The new measure reads as follows: "crowdfunding platform services shall register with the government, keep records of payments made by clients and other transactions to raise funds or virtual currency, and report these transactions to the government."

- Many people are calling out Harry Potter author J.K. Rowling for a series of anti-trans tweets. Actor Daniel Radcliffe was among those critical of Ms. Rowling's comments.

5. Explain and analyze the following text. Use examples to illustrate your explanation.



The relationship between reality, language, and law

Language is preceded by and always draws its existence from a natural reality. Whether we call a car a “car” or “water” is ultimately entirely arbitrary. However, what would be the social implications of intentionally depriving something as constitutive to human life as water of any name at all? Why would we ever take a natural reality and shroud it in silence? **Law is like a mirror that reflects reality and society made up of nothing but language.** Thus, when the law severs the tie between natural reality and language, the implications of this are not limited to the legal realm but are far more intimate. What is really at stake if law mandates the separation of language from reality? At the end of the day, is it not the case that a person is a person no matter what the law says? While the law does indeed lack the power to change reality, it nevertheless has the power to undermine our capacity to articulate it. It can shroud natural realities in silence.