

LAW AND RELIGION: TEST

Please follow the required format. Since this test aims to evaluate your understanding and your application of the principles and methods discussed in class, **you have to apply the law as discussed in class**. You are not permitted to consult with anyone about this test. Please do not ask me questions about the test once this test is posted online. 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 send this evaluation to the Algoma University Moodle platform for this course in an MS Word document by **Tuesday, March 8, 2022 10 pm EST**. Please include your name on the document with your answers.

Format and organization of the answer

Break down the case according to the claims and use a heading for each claim. As a way of illustration, the first claim could be broken down as follows: Sault Ste Marie divine wine claim. Relevant facts. Applicable rules. Maksim's arguments. Prison's arguments. Conclusion. The more precise your heading, the better.

Each claim should in turn be divided into sections. There should be a section for each argument, point, or idea. Each section should include only one idea, major point, or argument. It should be preceded by a heading. And it must contain a topic sentence. The rest of the section must provide examples, explanations, and evidence to prove the topic sentence. Always address the opposing arguments that others could have about your own arguments. For example,

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

Maksim's Religion

Background

Inmate Maksim is serving a three-year sentence for sexual assault at Algoma Treatment and Remand Centre (formerly Northern Treatment Centre), a medium/maximum security prison located on Great Northern Road in Sault Ste Marie. Maksim had also been sentenced in Quebec and Los Angeles, California for drug-related offences. After completing his prison sentence in Sault Ste. Marie, he is to be transferred to a Quebec facility to serve a one-year sentence and after that to a Los Angeles prison for a two-year sentence. Maksim is a member of the Russian Modern Paganism, a religious sect followed in Russian and other Eastern European countries, with very few followers in Canada and the United States.

Sault Ste. Marie, Ontario

Divine wine

While at the Algoma Treatment and Remand Centre, Maksim requested that the Centre make reasonable accommodations so that he could drink divine wine -wine mixed with fentanyl, a very potent opioid pain reliever, prohibited under Schedule I of the Controlled Drugs and Substances Act. Activities such as sale, possession and production of fentanyl are illegal, unless authorized for medical purposes. This drink is not an essential part of his religion; but some of its followers do drink it frequently. The Centre's authorities refused to make these accommodations, even if they serve Kosher food to orthodox Jew inmates and help Muslim inmates observe Ramadan.

Religious book

The Centre has a library which contains copies of Bible, the Torah, and the Quran. Maksim requested a religious book of the Russian Modern Paganism. The book encourages its followers to drink divine wine. The library does not have this book, and its authorities refused to buy this book for Maksim, as it encourages the use of illegal drugs.

Montreal, Quebec

Dress code

After completing his sentence in Sault Ste Marie, Maksim was transferred to the *Établissement de détention Montréal – Bordeaux* (the “Bordeaux Prison”), the largest provincial prison in Quebec. The Bordeaux prison does not oblige inmates to wear prison clothes and allows them to wear normal, everyday clothes. But the prison has a dress code -adopted after the passage of Quebec’s Bill 21- which prohibits the exhibition of religious symbols. Maksim wears a T-shirt with a Morrigan image -a raven goddess that is a symbol of the Russian Modern Paganist sect and is primarily associated with war, battle, fate and death. Thus, the prison’s officials ordered Maksim to remove his T-shirt. Maksim complained and refused to remove his T-shirt.

Multifaith space and the pandemic

During his term at the Bordeaux prison, the Covid-19 pandemic broke out. As part of the measures to contain the virus, the prison closed the Multifaith space, a non-denominational room for inmates of all faiths, as well as those of no faith at all, to pray, meditate, or contemplate. Maksim had never used this room, but when it closed he complained arguing that the pandemic stressed him greatly and wanted to meditate in the Multifaith space.

Los Angeles, CA, United States

Ten Commandments

Finally, after one year at Bordeaux, Maksim was transferred to the Los Angeles County State Prison. The prison’s officials posted in the inmate’s recreation room the following quotations from the Ten Commandments: “You shall not murder.” “You shall not commit adultery.” “You shall not steal.” “You shall not covet.” The prison’s officials thought these were good universal moral values that would assist inmates when they are released back to the community. Maksim complained about these postings.

Questions

What legal challenges if any, could Maksim reasonably raise to the denial of his request for the book and the drink in Sault Ste Marie, the order to remove his T-shirt in Quebec, and the Ten Commandment quotations in Los Angeles? What can the prison authorities argue? What are the likely outcomes of his challenges?