

FREE SPEECH: 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. Make sure that you **precede every argument or idea by its corresponding heading**. 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 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 **submit this evaluation to the Algoma University Moodle platform for this course by the deadline, i.e., November 21, 2022 by 10 pm EST**. We will not meet in class on November 14 so that you can work on this test.

Format and organization of your answers

Scenarios (cases)

Break down the case according to the claims and use a heading for each claim. The heading should be the main idea in the claim. 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 subheading, which must synthesize that idea, point, or argument. 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.

Short essay questions

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 resume 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 the following scenario

A recently introduced anti-terrorism measure (1995 H.R. 896; 104 H.R. 896, March 22, 1995, Version 2) in the United States will permit the President to label an organization as a “terrorist organization” if the President finds that the organization in question is engaged in or has engaged in terrorist activities. The bill makes it a crime to contribute money to or engage in fundraising activities on behalf of a designated “terrorist organization” without prior permission of the Treasury Department. It will also require disclosure of records relating to any such contribution.

2. Analyze the following scenario

New Ontario law bans protests outside abortion providers

Facilities providing abortion services in Ontario will now be surrounded by a no-protest-zone, intended to allow those who use them and those who provide services to enter and exit without interference or harassment. The Safe Access to Abortion Services Act bans anti-abortion protests within at least 50 metres of facilities providing abortion services. The buffer zone would begin at the boundaries of the property. The law, which was passed Oct. 25, 2017, prohibits advising a person to refrain from accessing abortion services, abortion-related protests, and any activities that intimidate or physically interfere with those accessing services. There is an anti-harassment provision in the legislation that allows staff of abortion services providers to have a safe access zone of up to 150 metres around their homes, anywhere in Ontario.

3. Analyze the following scenario

In Canada, John Doe tweeted the message below. Many Neptunians read the tweet. Assume that Neptunians are among the protected groups in Canadian Criminal Law.



4. Analyze the following scenario

Any driver can request a personalized licence plate from Service Ontario. Requests will not be approved if they are determined to be objectionable under the following criteria: reference to the use of or sale of illegal drugs, messages or meanings that could be associated with violence, as well as messages promoting discrimination or bias against individuals or groups.

5. The Canadian government consulted on new regulations of hate speech. Here is an answer given by a Canadian citizen. Explain this answer. Illustrate your explanation with, at least, two examples and critically analyze the answer.

Hate is an emotion; and feelings and emotions are not crimes. There is no such thing as hate speech, or love speech for that matter. Both are equal and human emotions.