**Course: LAWG 200 – Security Practice and the Canadian Legal System**

***SAIT Polytechnic Spring 2021***

**Final Exam – Part II**

**Time Allotted:24 hours**

**Instructions:** This portion of the exam is open book. You may refer to your textbook and any other course resources in order to answer the questions. You may **NOT** consult with any other person on your answers and all answers must be in your own words.

**Format:**

* Your submission should be in a Word document uploaded to the appropriate D2L Assignment dropbox. Only one file can be submitted. Both the Essay and the answers to the Section B questions should all be included in one document.
* Please use 1.5 line spacing.

Part II contains three sections:

* Section A is an Essay question. Section A is worth 10 marks.
* Section B contains three Logic Problems. Section B is worth 4marks.
* Section C contains questions relating to the three Debate Topics. Section C is worth 21 marks,
* A possible 5 bonus marks are available. Bonus marks may be awarded for answers which demonstrate outstanding understanding of the issues and concepts or incredible wit. (You can theoretically receive more than 100% on this section of the test.)

**Confidentiality Agreement:**

I agree that the contents of this exam and my solution are confidential and that the disclosure of that information would result in academic misconduct according to the policy on Student Code of Conduct AC.3.4.1.

Name: \_**Coleton Sanheim**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Section A \_\_\_\_/10

Section B \_\_\_\_/4

Section C \_\_\_\_/21

**Total \_\_\_\_/35**

**Section A**

*Instructions: (500-1000 words maximum)*

Essay Question (10 marks)

If you were forced to choose between Virtue Ethics or Rule Utilitarianism as the ethical theory that you would have to live by for the rest of your life, which would you choose and why? Include a discussion of the pros and cons of each theory as they might apply to situations you might face in life.

**Living by Rule Utilitarianism, by its definition of being utilitarian would ultimately lead to more good deeds done, however it does not leave any room for improvement or individual, self-thought. By conforming my decision making to a set of rules that are considered to be the most “good” then I lose any freedom in my actions and turn into essentially a computer making decisions based on the numbers and rules and that’s it. Virtue Ethics on the other hand, allow for a more liberal use of ethics which allow me to use my own judgment when confronted with situations, as well as it helps with self-improvement as it gives me virtues to try to improve and live up to. Based on these things I would say that I would much rather live my life by Virtue Ethics over Rule Utilitarianism.**

**Section B**

Logic Problems *(4 marks)*

*Instructions: For each of the following scenarios, identify whether it demonstrates a logical fallacy and, if so, which logical fallacy, or fallacies, is being demonstrated. Explain your answer as briefly as possible. The scenario may demonstrate no fallacy. It may demonstrate multiple fallacies.*

**Scenario 1**: Emily Ermine and Eloy Elephant are sitting in the forest discussing privacy issues. Emily is explaining why she believes that it is important to try to limit government surveillance of private citizens. She is particularly concerned about the deployment of facial recognition tools on drones during protests and public gatherings.

Eloy Elephant is dismissive of her concerns. “ Are you paranoid? Why would you worry about that if you haven’t done anything wrong?”

Emily says that she is concerned for a couple of reasons. First, facial recognition algorithms have a high rate of error, and second, that this might affect people’s willingness to exercise their constitutional right to assemble and to express themselves freely.

Eloy: Why do you think the police are corrupt? Why do you have so much trouble trusting people? If you didn’t have problems with authority, you would understand that this makes us all safer!

**Your answer: This is an Ad Hominem, or personal attack fallacy. Eloy’s argument is targeting Emily as if she had trust issues and problems with authority, instead of responding to her argument.**

**Scenario 2:** Cathy Crocodile and Ian Iguana are by the river. They have been arguing about the JSTOR case and whether the government was right to prosecute Aaron Swartz. Ian feels that the prosecution was over-zealous and that Aaron was treated unfairly. Cathy tells Ian that the prosecutors wouldn’t have laid charges if that wasn’t the right thing to do, therefore there was no wrongdoing.

Ian suggests that it’s important to look at all the factors in the situation before reaching a conclusion. Cathy opens her large mouth full of very sharp fangs and insists that since the prosecutors laid charges that means Aaron must have been doing the wrong thing.

Ian scrambles backwards and says that he is sure Cathy is correct.

**Your answer: Cathy is clearly demonstrating a Fear of Force fallacy by threatening bodily harm on Ian if he does not agree with her.**

**Section C -Issues**

*Instructions: Below each of the three debate issues provided, there are several questions relating to the proposition. ( You may find it helpful to refer to the Debate Guide in your Student Resources tab to assist you in formulating answers.)*

*In answering these questions, you are expected to demonstrate your understanding, not just of the issue, but of the principles explored in Module 1 on Logic and Argument, the principles explored in Module 2 regarding evidentiary weight and, and application of the ethical theories explored in Module 3.*

*In addition to the marks noted next to each question, five additional bonus marks are available for excellent answers.*

**Be it resolved that: In modern Canadian society, internet access should be guaranteed as a fundamental right in order to ensure equality for all citizens. (\_\_\_/8)**

Question 1 *(3marks)*

On behalf of the Pro side of this issue, provide at least two strong arguments in favour of the resolution. Support your arguments with evidence. (*max. 250 words)*

**If you do restrict internet access for some people that is, by definition, not equal to those that do not have restricted internet access. By restricting internet access, you are restricting Canadian citizens access to information as detailed in the Access to Information Act, ensured by the federal government**.

Question 2 *(total of 5 marks)*

a) On behalf of the Con side of this issue, provide at least two good arguments why internet access should not be a constitutional right. Support your arguments with evidence. (*max. 250 words) (3 marks)*

**By allowing internet access you are opening up potential vectors of attack in which Canadian citizens can have their privacy invaded by some hostile actor, and so restricting internet access would help protect private citizens privacy.**

b) Some rights exist which do not have constitutional protection. They rely on public demand for, and recognition of, these rights. One example that exists in Alberta is the right not to have your heating disconnected in the winter even if you have not paid your bill. The gas company can pursue other remedies but they cannot deprive you of power. This came into existence because of public and government recognition of the fact that lack of heat in severe temperatures can cause death, and that is too heavy a penalty to impose on people whether they are negligent in paying their bill or whether financial hardship prevents them from doing so.

Give your opinion on whether a similar right should be demanded and recognized regarding internet access and what the scope of any such right should be. *(max. 100 words)* *(2 marks)*

**I do not believe such a right need be demanded, as in the case of heating bills during the winter, as no one’s life or health is dependent on internet access. The only case that this would maybe apply to is with medical records for things like emergency care, but that only would apply to hospitals and other medical practitioners.**

**Be it resolved that: Whistleblowing is a necessary method for ensuring accountability on the part of large organizations, whether governmental or private, and effective systems of protection for whistleblowers should be created.(\_\_/6)**

Question 3 *(total of 4 marks)*

a) On behalf of the Pro side of this issue, provide at least two strong arguments in favour of the resolution. Support your arguments with evidence and sound reasoning. (*max. 250 words) (2 marks)*

**It is not reasonable to have large organizations ensure accountability for themselves, and as such the only other way to hold them accountable is through the people. In this case whistleblowers should be protected because if they are not then it could reasonably restrict the willingness of potential whistleblowers to come forward. Such as in the case with Edward Snowden, he was persecuted by the American government and labeled a traitor for his whistleblowing, and in the in them since event no other whistleblowers have come forward in relation to the American government, whether this is due to the fact no other whistleblowing worthy events have transpired or because people are afraid of doing it after what happened to Snowden is however hard to say.**

b) Assuming that the Pro side prevails, provide practical suggestions on what effective protections for whistleblowers could be implemented. (*max. 250 words) (2 marks)*

**Protection from persecution from the organization that the whistleblower targeted, including that of the government, so that they cannot be held criminally responsible for the act of whistleblowing as long as they were doing it with the intentions of revealing illegal or unethical activities. Such protection could include immunity to criminal charges relating to the whistleblowing and something similar to Witness Protection if necessary to protect against potential physical reprisal.**

Question 4 *(2 marks)*

On behalf of the Con side of this issue, provide at least two good arguments as to why whistleblowing should not be supported at all, or, alternatively, should not receive any additional support other than that which already exists in Canada. Support your arguments with evidence and sound reasoning. (*max. 250 words)*

**If whistleblowing is given protections, then the amount of people coming forward would increase which could be damaging to sensitive information such as with the Edward Snowden case where his leaks severely weakened the American government’s ability to ensure national security through the PRISM program.**

**Be it resolved that: Democracy cannot effectively function without privacy and current levels of data-gathering are a threat to the process. (\_\_\_/7)**

**Question 5** *(5 marks)*

On behalf of the Pro side of this issue, provide at least two strong arguments in favour of the resolution. Support your arguments with evidence and sound reasoning. Try to identify specific issues that arise. (*max. 250 words)*

**If data-gathering is done in the level that it currently is, such as with Facebook and the trial its CEO went on, then democracy can be subverted with targeted and specific advertising and marketing to undermine peoples political beliefs to support whichever side can pay more money to the organizations that are collecting this data, this causes elections to be won simply by whichever side has more money.**

Question 6 *(2 marks)*

On behalf of the Con side of this issue, provide at least two good arguments explaining how democracy can adapt to the current open information environment. . (*max. 200 words)*

**The only way to ensure that data collection does not affect democracy would be to take away its mechanisms to do so. Such as restricting the way political advertisements can be used or what they can contain. Or at the very least introduce laws to make any data gathering and its use after the fact completely transparent so no one is manipulated without prior knowledge of potential manipulation.**