**Introduction**

MODULE 1: THE FOUNDATIONS OF CANADA'S LEGAL SYSTEM

"***The*** law" vs "***A*** law"

When we refer to *the law* as an area of study, we are talking about the whole system of principles and regulations that are recognized and enforced by our social institutions. For example, "It is against *the law* to utter death threats."

When we speak about *a law*, it is an individual example of a written regulation or a principle created, amended or repealed by a law-making body, such as a provincial legislature. For example, "The Province just passed a *new law* to make it easier to obtain a marriage license."

What is law? Where did it come from? How did it evolve? Do we even need laws? We are all born into a world where laws already exist. We didn't make these laws, but during our lifetime, we will notice them change and evolve. Our children and grandchildren will also be born into a society of laws. They, too, will see them change and evolve.

In this module, we will begin to understand the essence of law as it relates to Canada. In doing so, we will study not only how Canada's laws have evolved and changed before and after our constitution but also how they are ever-changing for generations to follow.

Upon completion of this module, you should be able to:

* explain the need for and the purpose of law.
* identify the historical sources of our laws.
* explain how our laws have evolved, and continue to change.
* classify laws by type.
* identify and explain the division of federal, provincial and municipal governmental powers.
* describe the process by which laws are made in Canada.
* analyze the *Charter of Rights and Freedoms* to identify the rights, freedoms and responsibilities of Canadian citizens.
* analyze the *NB Human Rights Act* to identify the rights, freedoms and responsibilities of New Brunswick citizens.
* identify and describe the structure, powers and jurisdiction of the Indian Act and its impact on the rights, freedoms and responsibilities of Indigenous peoples.
* apply your understanding of human rights law to specific cases.
* identify and describe the structure, powers and jurisdictions of the federal and provincial courts.

# Law in Our Lives

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You may have noticed from the previous discussion that human beings don't always agree on everything. We may share some core values, but we come from different backgrounds, cultures, and experiences that shape our opinions and values. For example, some Canadians feel that sentences for violent crimes should be punitive, while others favour an approach more focused on rehabilitation. Your neighbour might think it's acceptable to "borrow" your bike anytime she wants to, even without your permission. Maybe she thinks it's alright to keep it. You disagree!

Law is a system that regulates society in a world with many differing opinions. For the good of society, it is necessary to have rules and laws to settle disagreements or to prevent them from occurring in the first place. Imagine if, for one month, all laws were removed. We would soon realize that law is very important in our society. It helps solve problems and maintain peace. Law can give protection to victims and punish those who have been unlawful. As a member of society, you can't just pick and choose which laws to obey, or change laws on your own. If you violate a law and get caught, you'll have to face the consequences outlined in the law. If society didn't have a system of law that controls how its members operate their lives, then people could do whatever they wished, including harm to others.

Spend some time reviewing the following resources to grow your understanding of the purpose of law in society:

Have you ever read the classic novel Lord of the Flies, by William Golding? It tells the story of how a group of boys attempt to build a society on a deserted island, with grisly results. You can view a summary video in the link below. Think about the laws and rules that, if observed, could have led to a better outcome for the boys in the novel.

**Why study law?**

MODULE 1: THE FOUNDATIONS OF CANADA'S LEGAL SYSTEM

There are many reasons to study law; it affects almost every aspect of your life. Knowing the law helps you avoid breaking it, of course, but it also helps you understand the rights and responsibilities you have as a member of society. Knowing how laws are made and changed helps you participate in making your world a better place.

Being familiar with law is also important for students who intend to pursue certain career paths. The most obvious would include law enforcement officers, lawyers, judges, politicians and correctional officers. But there are many other careers that involve law. Here are just a few:

* Lawyer
* Paralegal
* Legal Secretary
* Legal Assistant
* Law Clerk
* Judge
* Court Reporter
* Computer Forensics Professional
* Forensic Scientist
* Law Professor
* Legal Correspondent
* Building Contractor
* Police Officer
* Conservation Enforcement Officer
* Correctional Officer
* Sheriff
* Public Safety Officer
* Security Guard
* Member of Parliament/Legislative Assembly
* Public Servant
* School Principal
* Social Worker
* Accountant
* Policy Analyst

Do you have a career plan in mind? Does it require some level of background in law? How do you think a strong knowledge of law could help you in a future career?



# The Importance and Necessity of Laws

MODULE 1: THE FOUNDATIONS OF CANADA'S LEGAL SYSTEM



We need laws for many reasons: to enforce people's rights, resolve disagreements, protect people, and regulate society. Laws also specify the process of justice: What happens when someone breaks the law? How are they investigated? What consequences are appropriate? Will there be compensation for the victim, and/or penalties for the perpetrator?

Canada is admired internationally as a successful multicultural nation. Thanks to our Charter of Rights and Freedoms (more on that later), we strive to ensure that every Canadian citizen is respected equally in the eyes of the law. On paper, this sounds easy; however, in practice, it's not so simple. Because we have such diverse backgrounds and cultures, our values and our concepts of what is right and what is wrong may vary considerably.

In a basic sense, laws are society's rules, but rules for society are far more complex than rules for a game of checkers. When we play checkers, we don't worry too much about our opponent's thoughts, religion or philosophy; we just play checkers! In life, we must take these into consideration. Let's examine some of these concepts in further detail.