



Assignment #2.1: Canada's Legal Heritage (essay)

Introduction to Law & The Charter of Rights and Freedoms

Essay Question

Our common and civil law traditions originate from many sources which have led to our current Canadian and Quebec law system. What law traditions have influenced our justice system and which divisions of laws have we established?

Steps to follow

Step 1: Read all of the documents provided.

Step 2: For each document, identify using the response table (page 3):

- ♦ What is the main concept (idea or theme) of the document?
- ♦ What are the most important concepts or ideas of the document?
- ♦ What does the document tell us about our Canadian legal heritage?

Step 3: Use the answers that you have recorded in your response table as a plan to write a 300+ word double-spaced essay that answers the essay question.

- a. Your essay should include an Introductory paragraph, 5 other paragraph (one for each document), plus a conclusion.
- b. Your introduction should clearly answer the essay question and introduce your 5 main paragraphs which will follow.
- c. Each paragraph should have a topic sentence supporting sentences and a closing (or linking) sentence.
- d. For the 5 main paragraphs, you should have a topic sentence, at least 3 supporting sentences (one for each answer of your response table), and a closing (or linking) sentence.
- e. In your conclusion, summarize your entire essay and do not introduce new facts. You may rephrase your answer to the essay questions.

What to hand in

1. Your completed response table (page 3).
2. The final version of your essay. You don't have to hand in your draft copies.

Hints for effective essay writing

- Avoid words such as “like”, “a lot”, “lots”, “a lot of”, and other such street conversation words.
- Do not say “I will talk about” (your are writing not talking).
- Do not thank your readers or write “The End”.
- Make sure to indent the first line of every paragraph.
- Double-space your text using a regular 12-point font.
- Use the same verb tense throughout the essay. Refer to <http://mansour.webhop.net>.

Due date: _____

The assignment is due on the date indicated above. As stated in the course outline, there will be a 10% penalty for every day it is late. The assignment will not be accepted after 3 days of the due date (weekends will count for 1 day).

Document 1: The laws of the Aboriginal peoples

The “law” system of the Aboriginal peoples that migrated to North America from Eastern Siberia and the Arctic shores of Asia between 30 000 and 500 BCE (Before Current Era) were based on values and spiritual beliefs. These “laws” were passed on from generation to generation by the elders. Because of their inability to write, they were never documented. The Aboriginals relied solely on word-of-mouth to inform society of their rules.

Aboriginal traditions have contributed to our approach in restoring balance in the community affected by crime and how we deal with specific types of crime.

Document 2: The French civil-law tradition

During the French Regime of 1608 to 1759, New France (now Quebec) used a set of laws which were based on early French laws, Roman law, and Justinian's Code. In the early 1800s, Napoleon created the Napoleonic Code (or Code Napoléon), otherwise known as the French Civil Code. This French Civil Code was based previous laws which Napoleon documented and categorized. Having written laws meant that people knew about them and that the “judges” would be consistent in their rulings.

Document 3: British common-law tradition

Britain and France were at war with each other in North America since 1629, with British winning the Battle of Quebec in 1759. British victory meant that the French were no longer able to hold public office and had to follow British law. With the Treaty of Paris of 1763, the French lost its North American territories to English and British laws were introduced. All public offices were now occupied by British Protestants.

Document 4: Common law versus Civil law

Common law (a.k.a. case law) was developed in Great Britain near 1066 after the invasion of England by William the Conqueror, the Duke of Normandy. This law system evolved into a system of rules based on passed rulings (or precedents). Common law cannot be found in a statute (or Parliamentary legislation); it can only be found in past decisions. When a judge makes a ruling on a case, his decision becomes a precedent (a rule that will guide other judges in their future decisions). In a common law system, the courts first look for statutes (written laws) and then precedents.

The civil law tradition is based on a mix of Roman and the Justinian Code which Napoleon put together in France in the early 1800s. He had ordered that all of France’s rules and declarations be organized and written out. These written laws are now known as the French Civil Code which is also the basis of The Civil Code of Quebec. Courts in a civil law system first look at the Civil Code, and then refer to previous decisions for consistency.

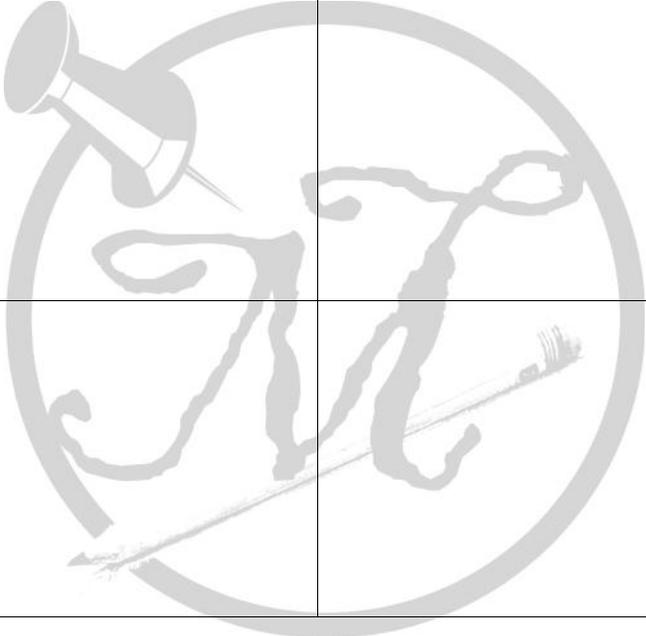
Document 5: Current divisions of Canadian law

Canada’s law is presently divided into “public law” and “private law (civil law)”.

Public law includes “administrative law”, “constitutional law”, “criminal law”, “aboriginal law”, and “environmental law”.

Private (or civil) law includes “contract law”, “family law”, “labour (employment) law”, “property law”, and “tort law”.

Step 3 – Response table

	What is the main point of the document?	What are the most important concepts or ideas of the document?	What does the document tell us about our Canadian legal heritage?
Document 1			
Document 2			
Document 3			
Document 4			
Document 5			