

*Student Name* \_\_\_\_\_ *Date Submitted* \_\_\_\_\_

# LAW 12 (v6)

## Section 1.0 Send-In Assignment

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Complete this send-in as part of your course enrollment. This will be your first mark entered for the course. When this assignment has been received by SCIDES, your course materials will be sent to you.

**This send-in consists of:**

- Law 12 Course Planner \_\_\_\_\_ / 5 marks
- Guided Practice 1.1A 1 \_\_\_\_\_ / 5 marks
- Guided Practice 1.1A 2 \_\_\_\_\_ / 3 marks
- Guided Practice 1.1B 1 \_\_\_\_\_ / 4 marks
- Guided Practice 1.1B 2 \_\_\_\_\_ / 3 marks

TOTAL: \_\_\_\_\_ / 20 marks \_\_\_\_\_ %



**Mail:**

- 1) This **Cover Sheet**
- 2) **Return Address** (page 2 or Comment Sheet) – Fill out with your complete name and address.
- 3) **Send-In Assignments** – Completed Part A and Part B assignments.

*Be sure to put proper **postage** on the envelope (if necessary) and add your **return address**.*

**Please Note:** Any textbook materials referred to can be found in the **Resource Section** at the end of this assignment.

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Is this a change of address?

Yes

No

*Please print in pencil*

NAME
ADDRESS
CITY / TOWN, PROVINCE / COUNTRY, POSTAL CODE

Use this address box  
if you are mailing  
a **TEST**

*Please print*

NAME
ADDRESS
CITY / TOWN
PROVINCE / COUNTRY
POSTAL CODE

Is this a change of address?

Yes

No

Use this address box  
if mailing a  
**SEND-IN ACTIVITY**

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Name: \_\_\_\_\_

\_\_\_ / 5 marks

## Law 12 Course Planner

Complete all the following contact information that applies to you and check the one that is the best way to contact you during the day:

Home Phone: \_\_\_\_\_  Work Phone: \_\_\_\_\_  Cell: \_\_\_\_\_

Email: \_\_\_\_\_

other way to contact you (explain) \_\_\_\_\_

When is the best time for your teacher or tutor/marker to contact you? \_\_\_:\_\_\_ AM PM

Check your Grade:  Grade 9  Grade 10  Grade 11  Grade 12  Graduated

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### Timetable Options/Course Plan

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One of the keys to being successful in anything that you do is to take the time to plan carefully. The objective of this section is to help you create a timetable for managing your schoolwork and enable you to set goals for finishing all of your courses by your desired completion date. **Most full-time students complete 3 to 5 assignments each week.**

The flexibility of our distributed learning program offers you many choices but a plan for completion is essential to success. Most full-time students complete 8 courses in a school year (10 months). The most common timetables are 'semestered' (4 courses at a time) or "linear" (8 courses at a time).

What is your planned schedule?  Semester System (22 weeks)  Linear System (44 weeks)

other: *(explain)* \_\_\_\_\_

What is your intended **start** date for this course?  Now  Other date: \_\_\_\_\_

What is your intended **completion** date for this course? \_\_\_\_\_ (month) \_\_\_\_\_ (year)

How many courses are you taking with us this year? \_\_\_\_ How many with other schools/programs? \_\_\_\_

Law 12 consists of 15 more send-in assignments and 4 tests. How many assignments/tests per week must you do to complete this course as planned? \_\_\_\_\_



- *Mark target submission dates on a calendar.*
- *Add this same information from other courses to help you create a schedule for completion.*
- *Record the actual dates you submit work so you can track your progress.*



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## Delivery Method

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Law 12 is offered as an online-supported print course. You will receive workbooks in print form and you have the option of also accessing the online support. If you sign up for the online classroom, you may still choose to do assignments on paper and send in by regular mail.

In the online classroom, you will find:

- assignments uploaded as templates in Word. You submit the completed assignments electronically.
- tips & pointers for doing the course including comments from the marker/tutor and links out to websites that clarify the concepts
- access to other Law 12 learners and your marker/tutor

Benefits to the online classroom:

- word-processing ability on assignments
- clarification of concepts and/or assignment instructions
- quicker turn-around time for marked assignments
- improved/corrected assignments (the uploaded assignments may differ from the print versions)
- participation is completely optional even once you have access



*Would you like access to the online classroom for Law 12?*

YES

NO THANKS

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## Anything else?

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Is there anything else you would like us to know about you or your education plans or learning style that will help us provide you with better service?

## Lesson 1.1A

# Law: Definition and Purposes

### Overview

Imagine life in British Columbia without any laws, police, or courts. It takes only a few seconds to picture scenes of chaos as people realize there are no police officers present to hold them accountable for their behaviour. Thefts, assaults, mayhem on the roads, and the like would quickly take place. Violent confrontations would become more common as individuals used to use force to protect their person and property. It is not a pretty sight to imagine. But it does make us appreciate what we have!

The law is one of many ways any society uses to guide and control the behaviour or conduct of its members; it plays a major role in the manner in which society functions.



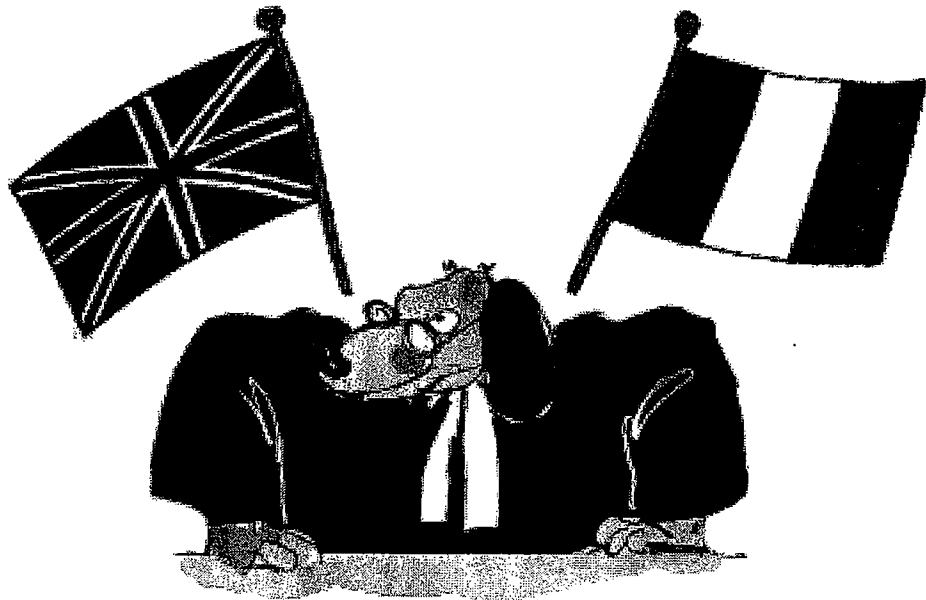
### Resource List

- *All About Law: Exploring the Canadian Legal System (5th edition)*
- *Law 12 Web site*

<http://www.openschool.bc.ca/courses/law12/mod1.htm>

## Canadian Law

Canada's laws are complex (i.e., not easy to understand) and comprehensive (i.e., we have laws governing just about everything). They affect each of us every day of our lives. In fact, the law affects us even before we are born. For example, a pregnant woman's access to virtually all drugs and medical services is regulated by a variety of provincial and federal laws. Even after we die, the law dictates the way in which all of our possessions are to be distributed. Provincial law states how a will must be prepared for it to be legal, and what happens to the deceased person's possessions in the event that he/she dies without a legal will.



### What is Law?

Law consists of rules and regulations governing behaviour in society that are enforceable in court. Therefore, the rules of etiquette (i.e., how to set a table for dinner, how to introduce people, etc.) and the rules of games, for example, are not laws. If you break these rules, the offended party cannot take you to court to have you punished or receive compensation. However, the rules of the road, for example, *are* law. If they are not followed, the offender can be punished by the courts, or forced to compensate others whom they have injured or caused damage to their property.

## The Purposes of Law

Laws are necessary for people to live together peacefully. Sadly, not everyone will respect other peoples' rights (to own private property, to privacy, etc.) unless they are forced to do so. Therefore, every society needs laws. Without them, there would likely be anarchy.



Go to your *All About Law* textbook now and read *Section 1.2: What is Law and Why Do We Have It?* on pages 3–6.



### Guided Practice 1.1A 1 5 marks **Law or Not?**

State whether each situation is a law or not. Explain your answer.

1. The rule that requires employers to deduct income tax from their employees' paycheques.
2. The rule that requires anyone entering a Canadian Legion (an Armed Forces veterans' association) premises to remove their hat.
3. The rule that requires a man to present his fiancé with an engagement ring when he proposes.
4. The rule that requires business owners to purchase a licence each year in order to operate their business.
5. The rule that requires the driver on the left to yield to the driver on the right at an uncontrolled intersection.



### Guided Practice 1.1A 2 3 marks

## Purposes of Law

As you have learned in this lesson, there are three main purposes of law:

- Establishing rules of conduct
- Protecting rights and freedoms
- Protecting people

Match each of these purposes to one of the following descriptions.

1. To ensure that people are treated fairly and are permitted to do and believe in certain things without unreasonable restrictions.
  - A. Establishing rules of conduct
  - B. Protecting rights and freedoms
  - C. Protecting people
2. To set limits on how people are expected to behave in society.
  - A. Establishing rules of conduct
  - B. Protecting rights and freedoms
  - C. Protecting people
3. To punish people if they harm (physically, emotionally, financially, etc.) others or their property.
  - A. Establishing rules of conduct
  - B. Protecting rights and freedoms
  - C. Protecting people

## Supplementary Lesson Resources



Go to the *Law 12 Web site* (<http://www.openschool.bc.ca/courses/law12/mod1.htm>) and select the related Web site for this lesson from the Module 1 list.

## Summary

**Completing this lesson has helped you to:**

- define law and its purposes in society
- distinguish between rules and laws

## **Lesson 1.1B**

# **The Relationship Between Laws and Morals**

### **Overview**

To be effective, laws generally must reflect public morals. They must conform to most citizens' beliefs about what behaviour or actions are acceptable or unacceptable.

This lesson will help you distinguish between moral beliefs and law and better understand the relationship between the two.



### **Resource List**

- *All About Law: Exploring the Canadian Legal System (5th edition)*
- *Law 12 Web site*  
<http://www.openschool.bc.ca/courses/law12/mod1.html>

## Moral Issues

Many of our laws reflect the attitudes and moral values of our society. For example, it is illegal to steal another person's property or to be married to more than one person at a time because the majority of people felt strongly enough about these issues that laws were passed. Other laws, such as restrictions on gambling or the prohibition of public nudity also reflect society's moral attitudes.

Every citizen develops his or her own set of moral values on a wide variety of topics. Your values may be very similar to others' values, or similar in some areas and very different in other areas. For example, two people may have similar views on abortion, but very different opinions on same-sex marriage or legalization of marijuana.

## The Dynamic Nature of Law

Laws are dynamic; in other words, they constantly change. There are many reasons why. For example:

1. Some illegal behaviours or acts become morally acceptable. Laws are changed to make these things legal (e.g., same sex marriage).
2. Some laws become tougher to reflect a hardening of attitudes (e.g., stiffer punishments for drinking and driving).
3. New laws must be introduced to cover new areas of human activity (e.g., cloning, Internet stalking, etc.).

Governments are constantly updating our laws; however, old laws that are now out of step with modern views are sometimes still in place but just not enforced by the police or the courts. For example, a Toronto bylaw stipulates that bathing suits must cover a human from neck to knees.



Guided Practice 1.1B 1

4 marks

**Drug Abuse: A Medical or Legal Problem?**



Read the Issue *Should People Who Use Illegal Drugs Be Punished?* in your *All About Law* textbook on pages 172–173. It will be apparent that, as is the case with so many important issues, there are valid arguments on both sides. As individuals we must decide, from our experience and perspective, which arguments carry the most weight.

1. Why do people use illegal drugs? What are some problems associated with these drugs?
2. Why do recent decisions on drug use appear contradictory?

3. Why is public opinion so important in determining drug-use laws in Canada? Does there appear to be a trend? Explain.
4. Explain the meaning of the following quote from Raymond Kendall, Secretary General of Interpol, and give your opinion: "The prosecution of thousands of otherwise law-abiding citizens every year is both hypocritical and an affront to individual civil and human rights."

**Guided Practice 1.1B 2****3 marks****Technological Change and the Law**

State a reason why a change in the law might be required for each of these recent technological advances.

1. The Internet
2. Reproductive technology (e.g., artificially inseminating a woman's eggs and implanting them in the womb)
3. Genetic alteration of plants (like corn and canola) and animals (pigs and cows)

**Supplementary Lesson Resources**

Go to the *Law 12 Web site* (<http://www.openschool.bc.ca/courses/law12/mod1.html>) and select the related Websites for this lesson from the Module 1 list.

**Summary**

**Completing this lesson has helped you to:**

- explain the relationship between laws and morals
- demonstrate an understanding of why laws must change over time

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# LAW 12 (v6)

## Section Assignment #1.0 *Resource Pages*

Attached are the pages from the Law 12 Resources that you need to complete this Section 1.0 Send-In Assignment.



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## 1.1 Introduction

Society is fascinated with the law. Laws are everywhere and control much of what you do and how you behave. If a sensational trial or legal case happens to be in the news, most people will be talking about it. Law is also a popular theme in books, television, and films.

Most people have had direct experience with the law or know someone who has. Because laws and legal issues affect everyone, it is important to know your rights and responsibilities under the law. It is also important to understand why Canada has so many laws and what some of them are. Every country has a history and culture that have shaped its laws and punishments. What is legal in one country is not necessarily legal in another. Studying a nation's legal system is very much like studying its language. Law tells a great deal about its past. It also reveals current values and beliefs.

Canada is a **democracy**, which means that its citizens elect law makers who make laws that suit the majority of Canadians. The law is constantly changing to reflect changing values and beliefs. By voting, Canadians choose politicians to make laws that best suit their needs and opinions at that time. These elected officials control the law-making process and its interpretation and enforcement.

In this chapter, you will begin to learn the language and history of law, how laws are made, and how they are interpreted and enforced.

## 1.2 What Is Law and Why Do We Have It?

What would happen if a game such as hockey were played without rules? Some players might use violence because there would be no penalty for injuring another player. They would take advantage of other players during the game. Referees would be useless because they could not keep order without rules. The game would deteriorate into a series of fights and injuries, and the spectators would probably leave. In the end, violence rather than skill would win games. In fact, sports mirror real life: Without rules to govern relations between people, disorder and conflict would arise.

Similarly, clubs and organizations need rules to run meetings, to encourage open and honest debate among members, and to reach agreement (by voting or a show of hands) on important decisions.

Whenever people form groups, they need to make some rules. Rules and laws are necessary to keep peace and order because people do not agree with each other all the time. Without clearly defined rules, the only law might be the survival of the strongest.



**Figure 1-2**

The award-winning Canadian series *Da Vinci's Inquest* is about a former Vancouver police detective turned coroner.

### Did You Know?

In 2001, Nielsen Media Research announced that the four most-watched television shows on the major U.S. networks were *ER*, *The Practice*, *Law and Order*, and *CSI*. This survey included Canadian viewers. What inference can you make from this statistic?



**Figure 1-3**

Donald Brashear and Marty McSorley fight during a hockey game in Vancouver. What would happen if hockey were played without rules? (See Issue, page 312.)

## Rules or Laws?

Rules of a game or an organization apply only to participants in the game or members of the organization. A **law**, on the other hand, applies to all members of society at all times.

It is important to understand the difference between a rule and a law. If you want to become a member of a group, you have to follow its rules. For example, some schools have rules about wearing uniforms. Those rules apply only to those students who attend the school. A law is a legal rule made by the government. It must be obeyed by everyone who chooses to live in that society. If a member of society breaks the law, he or she is punished. Therefore, as an individual, you are free to do what you want, with one exception: You must not do those things the law forbids, or prohibits.

Although most people willingly accept laws that set speed limits on highways, restrict the use of certain drugs, and control pollution, some people do not. If Canadians do not agree with a law in this country, they can join pressure groups and **lobby** the government to change the law. Lobby groups try to raise public awareness about certain laws and pressure the government to change the law to reflect their opinions and needs. Lobby groups may also challenge laws by going through the courts or by organizing peaceful demon-

strations. Canada is a free country, so people can oppose laws in a number of ways, but only up to a certain point. If protesters break the law, they can be arrested for their actions.

## Why Do We Have Laws?

Janelle lived by herself on an island and did whatever seemed right to her. She did not need any laws. But Stacie was shipwrecked during a storm and landed on Janelle's island. Now Janelle had to adjust her needs, desires, and actions to accommodate Stacie. Janelle and Stacie had a discussion and developed some rules. These rules became laws when the two agreed that certain rules would always control their actions. For example, the agreement, "We will always share all our food, so that each of us gets an equal portion" is a law. So is "Neither of us will make noise after the other has gone to sleep." Laws usually create clear understandings about expected behaviour. They are necessary for people to live together peacefully in society.

Suppose more people are shipwrecked on the island. If the number of people increases, so will the need for laws. There might even be a need to write down the laws, so that they are available to everyone. Then, if people break the law, they cannot say that they did not know about it. Of course, as the number of laws increase, people will have less freedom to do what they want as individuals.

As a society grows, it needs more laws to control and limit the behaviour of its citizens. For example, taking someone else's property or life is against the law in most societies. So is cheating in business or speeding on a highway. To enforce these laws, a society introduces punishments for breaking the law. The harshness of these penalties will depend on the values and customs of each society. Stealing in Canadian society might result in a suspended sentence, a jail sentence, or some form of alternative justice, such as a healing circle. In other societies, the convicted person might have a hand amputated or might even be executed.

## The Functions of Law: What Laws Do for Us

One important function of law is to settle disputes, or disagreements. If a dispute arises between two opposing teams during a sports event, it is usually resolved by consulting the rules of the game. Similarly, laws help to resolve disputes through discussion or negotiation, or through the courts. Laws help to create order and ensure that disagreements are solved peacefully and fairly.

### Establishing Rules of Conduct

You live in fairly close contact with your neighbour—that is a part of living in society. Under such conditions, conflicts naturally arise. Laws exist to reduce or eliminate these conflicts and to create a safer place to live. For example, the provincial and territorial Highway Traffic Acts set minimum driving ages, speed limits, and competency tests for drivers' licences. Other traffic laws describe proper procedures for signalling, passing, and the use of safety restraints. If there were no such laws, the streets would be much less safe than they are.

### Protecting Rights and Freedoms

Laws serve no purpose if they cannot be enforced. To enforce laws, we have the police and the courts. The Royal Canadian Mounted Police (RCMP), provincial police, and local police forces have the right to charge people who have broken the law. People who are charged with criminal offences must answer for their actions to the courts.

Criminal law is a branch of law that deals with illegal actions and their penalties. These laws are designed to discourage people from harming others. But law makers are not free to make any law they wish in order to control society. Both law makers and law enforcement agencies are limited by constitutional law, described on page 8. The *Canadian Charter of Rights and Freedoms* is part of Canada's Constitution. It ensures that limitations of individual rights are not taken too far.

## Case

While on an environmental studies field trip, Jamie, Kirk, and Greg, three students from Crestview Secondary School, became trapped in a cave by a landslide. The three began to examine their situation. They noticed a trickle of water on the wall of

the cave. Greg said he had learned in a science class that as long as there was water, they could live without food for about 30 days. They all noted that there was no animal or vegetable matter in the cave. However, Greg mentioned that if two of them reached a state

**continued** ►

of desperation and killed the third and ate his flesh, they could survive for nearly another two weeks. As Jamie had a calendar watch with a luminous dial, keeping track of time was no problem.

On the 27th day, Kirk suggested that they draw lots to determine who would be killed for the benefit of the other two. When lots were drawn later that day, Kirk lost. He pleaded with Jamie and Greg to reconsider, but they pointed out that he had suggested the draw and that they had all agreed to it. Just as they were about to strangle Kirk, a rescue team broke through to save them.

### For Discussion

1. Did the boys pass a law? Explain your reasoning.
2. If Jamie and Greg had strangled Kirk, what could they have been charged with? What might have been their defence?
3. Suppose Jamie and Greg were found guilty of killing Kirk, and their lawyer pleaded for mercy. If you were the judge, what factors would you consider in allowing a plea for mercy?

### Protecting People

Criminal activity is not the only reason we have laws. Laws also protect people in many other situations. For example, a business might be tempted to ask you to forget about school and work 18 hours a day during the holiday rush. However, labour laws usually limit the number of hours the employer can legally ask an employee to work. They also require the employer to pay a minimum wage and provide safe and clean working conditions. Contract law protects people in situations where they are asked to sign agreements that provide little or no benefit to them. The divisions of Canadian law that deal with each of these issues are discussed in greater detail in Section 1.3 of this chapter.

### Review Your Understanding (Pages 3 to 6)

1. Explain why a knowledge of law is important.
2. Justify the importance of voting in a democracy.
3. Justify why laws and rules are necessary in society.
4. Distinguish between a rule and a law.
5. Identify factors that might cause laws to change.
6. Justify, with concrete examples, the importance of law enforcement in our society.
7. Describe how laws specifically protect individuals. In what ways do they protect society as a whole?

## 1.3 The Divisions of Law

Law can be divided into two basic types: substantive law and procedural law. Substantive law (the substance of the law) consists of all laws that list the rights and obligations (duties) of each person in society.

For example, one type of substantive law is property law. This law allows Canadians to own property and enjoy certain rights. Property owners have the right to

- expel trespassers
- sell the property

# ISSUE

## Should People Who Use Illegal Drugs Be Punished?

Marijuana, cocaine, and heroin are just three of the illegal drugs listed in the *Controlled Drugs and Substances Act*. Twenty-three percent of Canadians admit to using cannabis (marijuana and a related substance, hashish) at least once in their lifetimes. Four percent have admitted to using cocaine at least once.

### ■ Drug Use in Canada (percentage of population)

Substance	1989	1998
Cannabis	6.5	7.5
Cocaine, including crack	1.4	0.7
Heroin	0.4	1.0

**Figure 6-10**

Why do you think that the use of cannabis has increased rather than cocaine or heroin?

Cannabis generally induces a state of relaxation, heightened sensory awareness, a sensation that time is slowing down, and a rapid heartbeat. Some studies have shown that it may be more damaging to health than ordinary cigarettes. It can cause physical addiction, paranoia, and damage to body organs.

Cocaine is a stimulant extracted from the South American coca bush. Its use can lead to severe physical, psychological, and dependency problems. Regular use can damage nasal passages, cause impotence, and create paranoia or depression. Large doses can cause violent behaviour, convulsions, and even death.

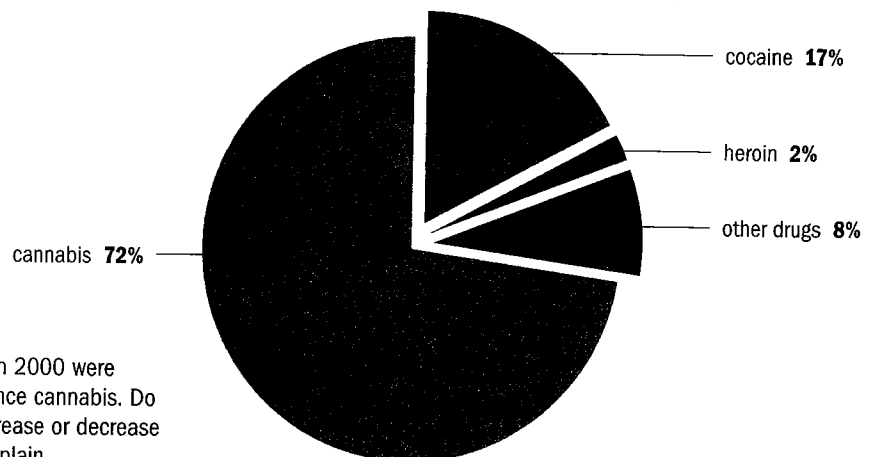
Heroin is a substance derived from the opium poppy. It can produce a "rush" and a feeling of excitement immediately after it is taken. As the body develops a tolerance for the drug, increasing amounts are needed to achieve the same effect. It is highly addictive, and nausea, diarrhea, and pain are symptoms experienced after the drug's effect wears off.

### On One Side

Many people think drug abuse is a serious offence. They believe that higher fines and longer jail sentences for drug users and traffickers would reduce drug use. They applaud the fact that in 1999, there were 39 percent more arrests for possession of marijuana than in the previous year; 21 126 people were convicted of a marijuana offence; and 13 percent of this group served time in jail. These Canadians want the police to have greater powers to search for illegal drugs so that the

### ■ Drug Incidents, Canada, 2000

65 196 drug offences, an increase of 5.6% over previous year



**Figure 6-11**

Most drug incidents in 2000 were related to the substance cannabis. Do you think this will increase or decrease in the near future? Explain.

laws can be more easily enforced. The \$100 million a year it costs Canadian taxpayers to enforce Canada's drug laws is money well spent. If tough drug laws are not enforced, society will be weakened and destroyed.

### On the Other Side

Other Canadians feel that stiffer penalties will not rehabilitate drug users. Those who use illegal drugs should be treated rather than punished. They applaud a 2000 Ontario Court of Appeal ruling, which stated that the sections on marijuana in the *Controlled Drugs and Substances Act* are unconstitutional because they fail to recognize the drug has medicinal uses (see Case, page 165).

### Support for Legalization of Marijuana in Canada

Year	Percentage of Population
2000	47
1995	31
1990	24
1985	30
1980	29
1975	26

**Figure 6-12**

Why do you think support for the legalization of marijuana has grown steadily since 1975?

Some people think the millions of dollars spent to arrest and punish drug offenders would be better spent treating drug addicts to cure and rehabilitate them. They note that many important organizations think the government should decriminalize the use and possession of marijuana. The Canadian Medical Association, Canadian Bar Association, Canadian Council of Churches, Association of Police Chiefs, and RCMP all favour decriminalization.

### The Bottom Line

As long as particular drugs are identified as illegal, the *Controlled Drugs and Substances Act* must restrict them. But should drug users be considered victims who require treatment rather than offenders? Canada's law makers have been reluctant to deal with the issue. Recently, the British Columbia Court of Appeal in *R. v. Marmo-Levine* (2000) refused to overturn the conviction of possession of marijuana. It argued that it is up to Parliament to change the law, not the courts.

### e activity

Visit [www.law.nelson.com](http://www.law.nelson.com) and follow the links to learn more about the issue of decriminalizing marijuana.

### What Do You Think?

1. Why do people use illegal drugs? What are some problems associated with these drugs?
2. In a group, identify arguments that support stiffer penalties for illegal drugs. Outline arguments that support rehabilitation of users. Present your arguments to the class.
3. Why do recent court decisions on drug use appear contradictory?
4. Why is public opinion so important in determining drug-use laws in Canada? Does there appear to be a trend? Explain.
5. As a class, discuss the idea that all drugs should be decriminalized with no penalties for their use. Identify the advantages and disadvantages for society.
6. Explain the meaning of the following quote from Raymond Kendall, Secretary General of Interpol, and give your opinion: "The prosecution of thousands of otherwise law-abiding citizens every year is both hypocritical and an affront to individual civil and human rights."