

CHANGING THE LAW



The law is always changing.

New laws are enacted and old laws are rescinded as it responds to society's needs and wants.

There are a number of reasons why laws continue to change.

1. Demographic Changes

- Canada has changed a great deal since we first became a country so our laws have had to change as well.



- Demographic changes are changes related to such things as birth and death rates, immigration, education and employment. e.g. public schools are now very multicultural so morning prayers over the p.a. are not allowed.



2. Technological Changes

- New technology often results in new laws being passed e.g. the invention of the radio in the early 20th century eventually led to the formation of the CRTC which oversees broadcasting laws and regulations.



- A more current example are the new laws being passed regarding the use of cell phones and camera phones.



3. Changes in Values

- As our values and beliefs change, so too do our laws e.g. today the health of non-smokers is considered more important than the rights of smokers so there are strict laws about where smoking is permitted.



-Another example is the recent law that bans smoking in vehicles carrying children.



4. National Emergencies

- In difficult times, laws are passed that are sometimes meant to be temporary but often end of being permanent e.g. even though 9/11 was not an attack on Canada, it still has greatly impacted our laws.



■ During World War I, the government needed funds to help pay for the war effort so they passed the Income Tax Act making all employed citizens contribute through paying tax on their income. Nearly 100 years later, we are still paying this “temporary” tax.



5. Change through the Democratic Process

■ If the government passes a law which the majority of the population opposes, there is a chance that they may not be re-elected and often the party that is elected, promises to repeal or change the law.



■ Some of the platform promises released by the Rhinoceros Party included:

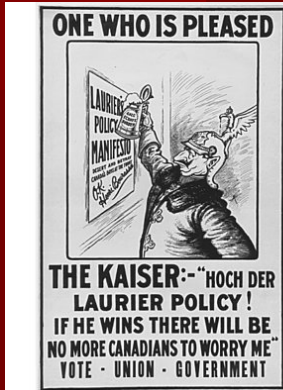
- repealing the law of gravity,
- reducing the speed of light because it's much too fast,
- paving Manitoba to create the world's largest parking lot,
- providing higher education by building taller schools,
- instituting English, French and illiteracy as Canada's three official languages,

- tearing down the [Rocky Mountains](#) so that [Albertans](#) could see the [Pacific](#) sunset, or moving them one metre west as a make-work project,
- legalizing [pot](#). And pans. And spatulas. And other kitchen utensils,
- building sloping roads and bicycle paths across the country so that Canadians could "coast from coast to coast",
- making all sidewalks out of rubber to prevent inebriated people from hurting themselves when they fall down

- end crime by abolishing all laws
- making bubble gum the national currency, so that it could be [inflated](#) or deflated at will,
- breeding a mosquito that would only hatch in January so that "the little buggers will freeze to death",

- declaring war on [Belgium](#) because a Belgian cartoon character, [Tintin](#), killed a rhinoceros in one of the cartoons,
- offering to call off the proposed Belgium-Canada war if Belgium delivered a case of mussels and a case of Belgian beer to Rhinoceros "Hindquarters" in Montréal (the Belgian Embassy in Ottawa *did*, in fact, do this),
- painting Canada's coastal sea limits so that Canadian fish would know where they were at all times,

- For example, in World War I, Prime Minister Robert Borden held an election based on the need to bring in conscription.



- In 1993, Jean Chretien and the Liberal Party campaigned on the promise of repealing the GST. After winning the election, he later reneged on that promise.



6. Court Decisions in Individual Struggles

- Decisions made by the Supreme Court of Canada can overturn or change laws already in existence if they are deemed to be unconstitutional.



- In 1988, the Supreme Court ruled that not allowing a woman to have an abortion went against her right to security of the person and overturned the law prohibiting abortion.



- Another SC of C ruling overturned the part of the Elections Act that prohibited prison inmates from having the right to vote.

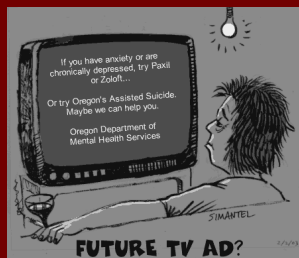
The Last Loyal Liberals



"We're all voting Liberal, just because we wanna keep our vote, we don't wanna lose other rights, like maybe they (the Conservatives) are gonna come in and we're gonna start losing our TV's other stuff like that."

all these liberals voting & I can't be any further left than this
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- Decisions made by the SC can also maintain laws the way they are e.g. they rejected Sue Rodriguez's plea in a close 5-4 vote which kept assisted suicide in the Criminal Code.



7. Change as the Result of Collective Action

- Lobby groups have had great success in bringing about changes in the law.



- Groups like MADD and OSAID have brought greater awareness to the problem of impaired driving and we now have more RIDE programs and stiffer penalties for impaired driving.



- The Canadian Association of Chiefs of Police successfully lobbied the government to set up a national sex-offender registry. It requires sex offenders to register with their local police upon their release or when they move & give police up to date photos & information on themselves which can then be released to the public.



Should the public have access to that info? Why or why not?

■ After the Montreal Massacre in 1989, the Coalition for Gun Control convinced the government to reform Canada's gun laws, resulting in the Firearms Act and eventually a national gun registry.



The Conservatives have since got rid of the Gun Registry and made sentences tougher for criminals using weapons?

Which do you think is better?



This is a picture of the reaction to the shootings at Dawson College in Montreal in 2006 in which one girl was killed and 19 people were wounded.

What differences do you think there were in the way the police handled the two situations?

■ Union membership has grown immensely in the past 100 years.

The Winnipeg General Strike in 1919 eventually led to better pay and working conditions for workers all across the country.

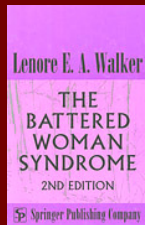


The “ace in the hole” of many unions is the threat of a strike. Should workers be allowed to strike? Which workers should be declared “essential services?”



8. Legal Scholarship

- Scholarly articles, books and studies on a particular topic can lead to changes in the law. Feminist legal scholars were successful in the 90's in convincing courts to accept battered woman syndrome as a viable defence in some murder cases where a woman was pleading self-defence.





The well known American case where Lorena Bobbitt (pictured here) severed her husband's penis brought this defence to the spotlight.

Do you believe it is a viable defence?

Why or why not?



Could a woman who's husband had committed adultery use this defence if she assaulted or killed him as a result of his infidelity?

Why or why not?

