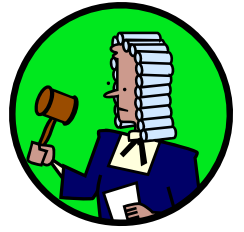


Influence Of Customs and Conventions



Customs and conventions are also primary sources of Canadian law

Custom: a long established way of doing something that, over time, has acquired the force of law.

E.g. For several generations people living in a village next to a lake have used a short cut through someone's property to get to the beach. The villagers could cite this *customary* usage to prevent the owner from suddenly blocking off the access. Although not formally a law, this customary right of way could be recognized by a judge as having the force of law through established usage.

Convention: a way of doing something that has been accepted for so long that it amounts to an unwritten rule.

*are similar to customs but apply mainly to political practices

e.g. That the governor general has to be Canadian is a convention – not a law.

Influence of Social and Political Philosophy

Social movements and political philosophies have also influenced Canada's laws.

e.g. Public reaction to the horrors of the Holocaust and the US civil rights movement in the 50s and 60s help create a social movement to usher in human rights legislation

e.g. The socialist political philosophy of the Co-operative Commonwealth Federation (CCF), forged during the Great Depression in the 1930s, had a direct impact on provincial and federal legislation in such areas as social security, employment insurance and worker's compensation benefits

e.g. The separatist political philosophy of the PQ and BQ have sought changes to our Constitution