PART I

Introduction and Overview

Criminal Law in Canada

1

Learning Outcomes

After completing this chapter, you should be able to:

- Differentiate between public and private law and understand how the distinction applies to criminal law.
- Identify the differences between criminal and civil law.
- Differentiate between substantive and procedural law.
- Demonstrate an understanding of the purpose of criminal law.
- List the sources of criminal law.
- Discuss statute law and common law in relation to their roles as sources of criminal law.
- Differentiate between the civil and criminal standards of proof.

Introduction

Before embarking on a more in-depth study of criminal law, it is important to place it within the general context of Canadian law. In this chapter we provide an overview of the nature and purpose of criminal law. We also discuss the differences between criminal and non-criminal or civil law and look at the major sources of criminal law in Canada.

The overview is not meant to be an in-depth study, but rather an introduction to or short review of topics that may already be familiar. It is important to understand some basic concepts and principles before embarking on a more concentrated study of criminal law.

The Nature of Criminal Law

criminal law
the body of law that deals with wrongs or harm caused to society as a whole and that is generally prosecuted by the state or government rather than the person who is harmed by the wrongdoing

In Canada, as in many other countries, **criminal law** is one of the most discussed areas of law. It has political implications and repercussions and regularly forms the basis for social media interactions, news headlines, television series, movies, and novels. Most people have an opinion on various aspects or principles of criminal law. A large part of what forms people's opinions may be founded on information they have gathered from the popular media. However, to study criminal law, we must look at it much more closely. First, we need to examine where criminal law fits into the Canadian legal system.

When we talk about "the law," we mean the entire body of law laid down by the courts or the government to control the behaviour of the people under their authority. Another way of talking about people under the authority of lawmakers and law-making bodies is to say that those people are "within their jurisdiction."

The Categorization of Law

The entire body of law of a jurisdiction can be broken down into various areas of law, such as criminal law, family law, property law, tax law, immigration law, contract law, and tort law. Within each area of law, there are specific rules or laws. It is most often the specific rule or law within an area of law that changes, rather than a whole body of law. When we are talking about law changing, it is important to note that law tends to change in response to circumstances in society that have already changed, rather than the other way around. For example, the popularity in the use of cannabis led to the legalization of the product. The law therefore tends to be more responsive than proactive. In the normal course of legal development, the law does not tend to modify society; rather, once society has changed, the law tends to adjust to reflect that societal change.

There are several different ways to categorize, type, or classify law, and we are now going to examine some of those categorizations, types, and classifications and discuss where criminal law fits into the structure of the law.

Public Law and Private Law

One of the major ways to divide law into classes is to make the distinction between public law and private law.

Public Law

Public law relates to the relationship between an individual or business and the government. Criminal law is primarily public law. It is not principally focused on righting the harm or wrong done to an individual; rather, its main purpose is to ensure that wrongdoers are found guilty and dealt with appropriately in the justice system. Criminal law is established to maintain social order. A criminal offence is viewed chiefly as a wrong against society and it is the government, for the most part, that enforces and prosecutes the wrongdoer, rather than the individual who has been harmed. The parties, meaning the legally recognized participants in the court case, are the government and the person who has been charged with the offence. The person charged is usually referred to as an "accused" or "defendant." The victim of a criminal offence is not a party to the criminal case. They are only a witness. We will more closely examine the roles of the various players in criminal cases in Chapter 4.

public law
the body of law that deals with the relationship between the government and individuals or businesses; criminal law is an example

Lawyers who prosecute criminal cases in Canada are either government employees or people retained by the government to represent it. They are called Crown attorneys, Crown counsel, or Crown prosecutors (depending on the province) because they represent the head of government, who in Canada is the King of England, otherwise known as the Crown. In addition, criminal cases are prosecuted in the name of the British monarch, not in the name of the victim. For example, if Alex Ali is assaulted by Jordan Jones and Jones is charged by the police with an offence, the name of the criminal case against Jones will be *R v Jones*. The *R* stands for "*Rex*," which is Latin for "king." In older cases, when the King's mother was the monarch, the *R* stood for "*Regina*" or "queen." In our example, Ali, the victim, is not a party to the legal proceeding, but would likely be the prosecution's main witness.

Other areas of public law are as follows:

- Constitutional law—law that is concerned with the protection of the rights of individuals in dealing with the government and the government's agents.
- Administrative law—law that deals with the regulations made by government and enforced by agencies, boards, or tribunals that are set up by government.
- Tax law—law that deals with both individual and business obligations to pay taxes and the penalties for failure to do so.

Public law also involves what we call "quasi-criminal" offences, examples of which would be provincial statutes governing traffic and liquor offences. These are discussed further at page 9 of this chapter.

Private Law

Private law, on the other hand, involves areas of law where the interests of individuals or businesses and the interaction between them are the focus. Contract law and tort law are both examples of private law:

- **Contract law** focuses on the making of legally enforceable agreements between people or businesses and the consequences for breaking such an agreement.
- **Tort law** deals with harm caused to people or their property by others.

Because tort law focuses on harm, there is a connection between it and criminal law, although not all torts involve criminal harm. For instance, a homeowner might be

private law
the body of law that deals with the legal relationships between individuals or individuals and businesses; contract law is an example

contract law
the body of law that deals with legally enforceable agreements made between parties that spell out their rights and obligations in relation to each other in a particular transaction

tort law
the body of law that deals with harm caused to a person or their property by another for which the harmed person may sue the wrongdoer for monetary compensation for the harm caused

careless in not shovelling the snow from their walkway and a passerby might suffer an injury when they slip and fall on the walkway. This is likely not a criminal action on the homeowner's part, so the state is not interested in prosecuting the homeowner. However, if the law says that the homeowner caused the harm, then they may be required by the court to pay the injured passerby money to compensate for any financial losses suffered and any pain experienced as a result of being injured. To seek compensation for the injury, the victim would sue the homeowner. For instance, if Alex Ali slipped on Jordan Jones's icy walkway, the formal name of the case would be *Ali v Jones*, to represent the fact that Ali, a private individual, is suing Jones, another private individual.

This does not mean that a private individual who is the victim of criminal harm cannot sue an offender. If Jones assaulted Ali, the criminal case against Jones would be conducted by the government against the accused with a view to holding Jones criminally responsible and punishing the wrongdoing. As we have discussed, the criminal law is not focused on compensating Ali for the any harm or losses.

However, if Ali was injured in the assault and, as a result, lost wages, had pain and suffering, or suffered other harm or loss, Ali may sue Jones in tort law for monetary compensation, which is called damages.

standard of proof
the legal level of proof that must be established in a court case before the case may be won; the standard of proof in a criminal case is beyond a reasonable doubt, and in a non-criminal case it is the lower standard of the balance of probabilities

Usually the criminal case would be heard first, because the **standard of proof** is different. In a criminal case, the individual faces the power and resources of the state or government and, therefore, in an attempt to place the parties on a more equal footing, the justice system requires the Crown to bear the responsibility (or onus) of proving the case to a very high level of proof—beyond a reasonable doubt.

In the tort case example above, the parties are both private individuals, so they are on a more level playing field, and although Ali, who in the private law case is called a plaintiff, must still prove the case against Jones, who is the defendant, the level of proof required is much lower. The level or standard of proof required in a tort case is on the balance of probabilities. Standards and burdens of proof will be discussed more fully in a later section.

We earlier defined public law as relating to the relationship between an individual or business and the government. This means that the government would be involved in a lawsuit. However, not all lawsuits involving the government involve public law. The government can also be involved in a private lawsuit. In the example provided above, if the government owned the land on which Ali slipped and fell, the government could be sued by Ali in tort law. In that case, the resulting lawsuit would be a matter of private law notwithstanding that the government is involved.

civil law
the body of law in the Canadian legal system that is non-criminal; the term may also be used to describe world legal systems that are based on foundations other than British common law; most countries in Europe have civil law systems, as does the province of Quebec in its provincial law

When private individuals or businesses begin a court action against other private individuals or businesses, we say that they have begun a civil action. We might also say that **civil law** principles govern the case, to distinguish it from a case where criminal law principles apply. Sometimes, the two areas of law are discussed as criminal law and civil law, to differentiate them (see Table 1.1). The term "civil law" has more than one meaning, which can sometimes be confusing. For more on distinguishing between civil law between individuals and the civil law system used in Quebec, see "Other Systems of Law" on page 11.

TABLE 1.1 The Distinctions Between Criminal Law and Civil Law

	Criminal Law	Civil Law
What is it?	A legal action started by the state (government) against an individual	A legal action started by private citizens, one against the other
Parties	The Crown (government) versus an accused (*R v Smith*)	One private citizen versus another (*Plaintiff v Defendant* [e.g., *Ali v Jones*])
Purpose	To punish and deter criminals, and to protect society	To compensate a person who has been physically or financially harmed
End result of case	Determines guilt, fine, and imprisonment	Finding of liability and payment of damages
Standard of proof	Beyond a reasonable doubt	On the balance of probabilities

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Substantive and Procedural Law

Another manner of categorizing law is to differentiate between **substantive law** and **procedural law**. All areas of law, including criminal law, consist of both substantive and procedural law.

Substantive law is often described in general terms as the law that sets out the rights and duties of individuals. When we talk about a substantive right, we are talking about a right that can be enforced by law. In criminal law, the substantive law is the part of the law that prohibits certain behaviour or conduct from which we all have the right to be protected. It is the area of criminal law that establishes and defines all the specific elements of each offence and defence.

Procedural law provides details of the particular steps or processes that are required to be followed to enforce the substantive law. Procedural law deals with the rules that govern many aspects of criminal law, including the powers of the police to conduct an investigation, the charging of the accused, bail procedures, and modes of trial and **adjudication**.

In this text, we will deal first with substantive criminal law when we examine various offences and defences in Part II, Substantive Criminal Law. In Part III, Criminal Procedure, we will look at criminal procedure from the investigative stages through to the adjudication of the charge before the court.

substantive law
the part of an area of law that defines the rights and responsibilities in that area of law; in criminal law, it is the part of the law that deals with the creation of criminal offences, the defences that may apply, and the penalties for breaking the law

procedural law
the body of law that sets out the rules for how a case gets before the court and how it makes its way through the court to completion; in criminal law, it begins with the police investigation and the laying of the charge and goes through to the end of the trial

adjudication
the process that leads to the making of a legal decision

The Purpose of Criminal Law

As previously discussed, criminal law deals with harm. Often, the harm is directed toward a person who is the victim of a crime. However, criminal law is viewed not simply as a matter between the perpetrator of a crime and the victim; rather, it is regarded as a wrong against society as a whole. When a crime is committed, the social

order or social fabric is affected. When someone is the victim of a crime, all the people in the area where the crime took place feel less safe. The crime is a potential threat to them all. This is why the government takes a leading role in creating laws with an aim to protect the social order and to prosecute or bring to justice those who commit criminal offences.

This is also why criminal law can play a major role in politics. If people feel unsafe in their communities, politicians may want to try to convince them that a particular political party has a solution to the issue. Politicians often claim that they will be "tough on crime," and such a claim often plays well with voters, even when crime rates might be dropping. The average person may not feel safe in their own home or neighbourhood, even though statistics suggest that they are.

Ultimately, criminal law and the criminal justice system must determine the guilt or non-guilt of a person charged with an offence. It is important to note that the court is not determining the guilt or factual innocence of a person, but rather whether a person can be found guilty under the law. As we have discussed, because the accused person is facing the weight of the state or government that is prosecuting the case, in an effort to even out the odds, the individual is guaranteed certain rights at law to try to ensure that they are not the victim of a powerful state using its resources against a powerless individual. One of these rights is the right to be presumed innocent until the Crown proves guilt beyond a reasonable doubt. Therefore, under Canadian law, the accused does not have to prove their innocence. The accused starts from the legal presumption that they are innocent until the Crown prosecutor meets a high standard in proving otherwise. We will look more closely at these rights in Chapter 2.

When an accused person is found guilty of an offence, the principles of sentencing attempt to directly address the protection of society and the preservation of social order as the purposes of criminal law. While one of the major principles of sentencing is the punishment of the offender, the punishment in itself is not random, but is set so that it deters not only the offender before the court but also anyone else who might be tempted to commit the offence in the future. Punishment, however, is not the only purpose of sentencing. In addition to deterrence, section 718 of the *Criminal Code*[1] sets out the other main purposes of sentencing:

1. to denounce unlawful conduct;
2. to deter the offender and other persons from committing offences;
3. to separate offenders from society, where necessary;
4. to assist in the rehabilitation of offenders;
5. to provide reparation for harm done to victims or the community; and
6. to promote a sense of responsibility in offenders and acknowledgment of the harm done by them to victims and the community.

The principles and purposes of sentencing are dealt with in detail in Chapter 20 of this text.

1 RSC 1985, c C-46 [Code].

Sources of Criminal Law

Canadian criminal law is provided through two major sources:

1. statute law, and
2. common law.

We will briefly examine both sources. A deeper examination of the sources of law can be found in texts that deal with general introductions to Canadian law.[2]

Statute Law

Alternative names for statute law are legislation, act, or code. Statute law is law made by the federal government in Parliament in Ottawa or by the elected legislature in one of the provinces. The Canadian Constitution[3] divides the authority to make statutes in various areas of law between the federal government and the provinces. If either the federal or provincial government attempts to make or pass law in a subject area that is not within its constitutional authority, the law is ***ultra vires***, Latin for "outside their power," and it is invalid. If a law is properly made within their law-making authority, then the law is ***intra vires***, or "within their power."

The Constitution is the supreme law of the land. All other statutes, whether federal or provincial, must comply with the Constitution, which includes the *Canadian Charter of Rights and Freedoms*.[4] Furthermore, the Constitution, unlike a normal statute, may only be amended through an extremely complicated set of rules and procedures set out in the Constitution itself.

The actual law-making process is similar at both levels of government. More may be learned both about this process and Canada's Constitution by reading any text on an introduction to Canadian law.

The power to make criminal law is given to the federal government pursuant to section 91 of the *Constitution Act, 1867*;[5] therefore, only the federal government can make what might be referred to as "true criminal law."

Provincial governments may not make any criminal law. However, they do have the constitutional power to make laws to regulate and enforce laws that they have made that are within their law-making authority. For instance, provincial governments may pass statute law that relates to highways situated within their province.[6] All provinces have such statutes, and they include such things as speed limits for various roadways. It would be senseless to give provinces the power to make laws pertaining to speed limits and then not allow them to enforce those laws with penalties. The provinces do have the power to pass statutes that enforce their laws through the creation of offences that have legal consequences. These provincial laws may be referred to as "**provincial offences**," or "**quasi-criminal offences**." They are not true criminal law, and any

ultra vires
a Latin term meaning that a law has been made outside the authority of the law-making body

intra vires
a Latin term meaning that a law has been made within the authority of the law-making body

provincial offences
offences created by provincial legislatures to enforce certain regulatory laws that are within their constitutional law-making authority; they are not criminal offences

quasi-criminal offences
offences created to enforce regulatory laws—they are not criminal offences but they have a number of the features of criminal law; provincial offences are an example

2 For further reading, see J Fairlie, *Introduction to Law in Canada,* 3rd ed (Toronto: Emond, 2024); N Boyd, H Love & T O'Doherty, *Canadian Law: An Introduction,* 8th ed (Toronto: Emond, 2025).

3 *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11; *Constitution Act, 1867*, 30 & 31 Vict, c 3, reprinted in RSC 1985, Appendix II, No 5.

4 Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 [Charter].

5 *Supra* note 3.

6 Provincial powers are enumerated in s 92 of the *Constitution Act, 1867*, *supra* note 3.

conviction for a breach of a provincial offence does not result in a criminal record. This text does not deal with provincial offences other than in passing. For more information on this topic, you may wish to refer to a text that deals specifically with this area of law.

The primary statute that creates and deals with criminal law is the *Criminal Code*. The Code contains a major portion of both the substantive and procedural criminal law of Canada, but it is not the only statute in the country that is a source of criminal law. Some other federal statutes that create criminal law are the *Youth Criminal Justice Act*,[7] which addresses the criminal law and justice system as it applies to persons under 18 years of age; the *Controlled Drugs and Substances Act*,[8] which deals with drug and narcotics control; and the *Crimes Against Humanity and War Crimes Act*,[9] which criminalizes genocide, crimes against humanity, and other war crimes based on international law and treaties. While these statutes contain most of the body of Canadian criminal law, they do not form an exhaustive list. Even the *Income Tax Act*[10] creates several offences that are criminal in nature.

This text deals primarily with the Code and, to a lesser extent, the YCJA. Chapters 3 and 23 deal specifically with the history and organization of the Code and the YCJA.

Common Law

Common law, often called case law, is law made by judges. It is the oldest source of law in Canada and dates from centuries-old British common law, which was incorporated into the law of Canada at the time of Confederation in 1867. The common law continues to change and develop over time and is not the same as it was in 1867.

The body of case law builds up over time as judges apply the law in court decisions. In very simple terms, common law (or case law) principles require judges who make decisions in the lower courts in the legal structure to follow the previous decisions of higher-court judges when they are dealing with a legal issue that is based on substantially the same facts as the prior, higher-court decisions. When making decisions, judges in the common law system, particularly those at the higher level, give reasons for their judgments. These reasons form a "precedent." The rule that requires judges to follow the precedent set in earlier, higher-court cases is called ***stare decisis***. Over time, sometimes over hundreds of years, a body of law grows and sets of rules develop from the following of precedent.

stare decisis
the legal principle used in the common law by which the lower courts must follow the decisions, or precedents, set by the higher courts when the facts of a case are generally the same

The earliest source of criminal law in Britain was common law. All of the original offences and defences were developed through judge-made law, not through statute law.

Historically, the common law dates back centuries, to a time when there was no Parliament in Britain to make statute laws. The source of all law was the monarch. Therefore, common law is an earlier form of law than statute law. Once Parliament was established, the elected officials became the supreme lawmakers, not the monarch or the courts. Courts continued to make law, and it was good and valid law, but if Parliament did not approve of the law it could change it.

Statute law can change case law. The elected government can enact statutes that modify or overturn judge-made law, and this remains true in Canada today. Parliament

7 SC 2002, c 1 [YCJA].

8 SC 1996, c 19.

9 SC 2000, c 24.

10 RSC 1985, c 1 (5th Supp).

and the provincial legislatures are supreme and can alter common law through the passing of statutes. Their only major limitation in this regard is that all statute law must comply with Canada's constitutional principles and must not violate the Charter.

Other Systems of Law

It is important to note that common law is not the only system of law in the world. For instance, much of the law of continental European countries has developed through a totally different process from the common law. Dating back to Roman times and law, this system is called "civil law." The term "civil law" can be quite confusing because it is used in two very different ways within the Canadian legal system. For instance, we talked about civil law earlier when we were examining the differences between private law and public law, and criminal law and non-criminal law. In the context of comparing criminal law and non-criminal law, non-criminal law is called civil law. We can also compare common law, which developed in early Britain, with a totally different system of law called civil law. This latter system of civil law developed from early Roman law and is used in most European countries. In this context, the term "civil law" means a system of law with many rules and principles that are different from those of the common law.

To complicate matters further, in Canada, federally and in all provinces other than Quebec, the common law system is followed, but because the earliest law of Quebec was established when Quebec was a colony of France, the provincial law of Quebec still follows the civil law system used in France. This means that when the Quebec legislature makes a law that is within the constitutional power of the province and when Quebec courts apply that law, they follow the principles of the civil law system, not the common law system. However, since criminal law is federally made law, the criminal law in Quebec is generally the same as the criminal law in the rest of Canada. The major difference is that Quebec has the *Code of Penal Procedure*,[11] which applies to proceedings in view of imposing a penal sanction for an offence under any act, except proceedings brought before a disciplinary body.

As discussed earlier in this chapter, criminal law in Canada is primarily established by statute law, in particular the *Criminal Code*. This does not mean that the common law does not play a major role in current Canadian criminal law. Judges must apply statutes, including the Code, but a statute must be interpreted to be applied. When judges interpret statutes or particular provisions in them, they are establishing precedents and making case law. Therefore, the common law and statute law have a close, interactive relationship as sources of criminal law in Canada.

Basic Principles of Canadian Criminal Law

There are several basic principles that form the framework of the Canadian criminal justice system and they must be kept in mind when examining the creation, structure, and procedure of the law. These principles are:

1. All persons charged with a criminal offence are presumed to be not guilty.
2. To establish guilt, the Crown must prove guilt beyond a reasonable doubt.
3. The proof must be presented in a fair and public hearing.

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11 CQLR c C-25.1.

burden of proof or onus of proof
the prosecutor in a criminal case or the plaintiff in a civil case has the burden or onus to present enough evidence to win their case beyond a reasonable doubt or on the balance of probabilities, respectively

Our system of law does not require the accused to prove their innocence to the court. In fact, the accused does not have to say anything in a criminal trial. Moreover, the Crown has the burden of presenting evidence of the accused's guilt to the level of "proof beyond a reasonable doubt," and the proof must be made in a trial that is open to the public and not in a secret hearing. We call the Crown's burden the "**burden of proof**" or the "**onus of proof**." The level of proof the Crown is required to meet to satisfy its burden is the "standard of proof." The presumption of innocence accompanied by the evidentiary burden and standard placed on the Crown and the procedure of a fair and open trial are principles that attempt to create a more even legal playing field for the person charged. Otherwise, one individual might be overwhelmed by the power and resources of the state and might face the prospect of being wrongfully convicted.

The presumption of innocence is a significant common law principle that forms the major foundation of the criminal justice system. Although the principle has existed for centuries, it is now a right enshrined in section 11(d) of the Charter. The fact that the principle is now a Charter right means that the remedies available for a Charter violation apply. The remedies available under the Charter are addressed more fully in Chapter 2.

The criminal standard of proof beyond a reasonable doubt is contrasted with the civil balance of probabilities standard. In a civil case, the plaintiff normally must prove that it is more likely than not that the event occurred. The criminal standard is much higher. The phrase "beyond a reasonable doubt" is used so often that people often mistakenly think its meaning is clear. That is not the case. Ten people may define the phrase in ten different ways. The Supreme Court of Canada dealt with the meaning of this phrase in *R v Lifchus,*[12] where the Court set out a "model" charge for a judge to use when instructing a jury on this issue:

> The term "beyond a reasonable doubt" has been used for a very long time and is a part of our history and traditions of justice. It is so engrained in our criminal law that some think it needs no explanation, yet something must be said regarding its meaning.
>
> A reasonable doubt is not an imaginary or frivolous doubt. It must not be based upon sympathy or prejudice. Rather, it is based on reason and common sense. It is logically derived from the evidence or absence of evidence.
>
> Even if you believe the accused is probably guilty or likely guilty, that is not sufficient. In those circumstances you must give the benefit of the doubt to the accused and acquit because the Crown has failed to satisfy you of the guilt of the accused beyond a reasonable doubt.
>
> On the other hand you must remember that it is virtually impossible to prove anything to an absolute certainty and the Crown is not required to do so. Such a standard of proof is impossibly high.
>
> In short if, based upon the evidence before the court, you are sure that the accused committed the offence you should convict since this demonstrates that you are satisfied of his guilt beyond a reasonable doubt.[13]

12 1997 CanLII 319 (SCC).

13 *Ibid* at para 39.

CHAPTER SUMMARY

This chapter gives students a brief overview of the nature of criminal law and an explanation of some topics, such as the classification of offences and the purpose of criminal law in sentencing offenders, which will be covered in more depth later in the text. The various ways of differentiating between areas of law are discussed, such as the distinctions between public and private law, criminal and civil law, and substantive and procedural law, as well as how Canadian criminal law fits into the general structure of Canadian law.

We examine the sources of criminal law and discuss the role of both statute and common law in the development and ongoing application of this area of the law.

The purpose of criminal law is also discussed both within the context of societal harm and in relation to findings of guilt and sentencing in the criminal justice system. In addition, the fundamental principles of Canadian criminal law and the Canadian criminal justice system are examined.

KEY TERMS

adjudication, **7**
burden of proof or onus of proof, **12**
civil law, **6**
contract law, **5**
criminal law, **4**
intra vires, **9**
private law, **5**
procedural law, **7**
provincial offences, **9**
public law, **5**
quasi-criminal offences, **9**
standard of proof, **6**
stare decisis, **10**
substantive law, **7**
tort law, **5**
ultra vires, **9**

REVIEW QUESTIONS

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Test yourself on this chapter with more questions on LAW+.

1. What are the differences between private law and public law and, of the two, where does criminal law belong?
2. How do we name criminal cases and why do we name them this way?
3. What is a civil action?
4. How would you generally describe substantive law?
5. What is procedural law?
6. What is the purpose of criminal law?
7. Name the two sources of criminal law and describe each.
8. Which statute is the supreme law of the land?
9. Which level of government has the authority to make criminal law and where is that authority found?
10. What are the three basic principles of criminal law?
11. Describe each of the three basic principles of criminal law.

EXERCISES

1. Why do you think criminal law is an area of law that most people have opinions about? Do you believe that the general public is well informed about criminal law? Do you think the media has a good perspective on criminal law? What role, if any, do you think the media has in shaping Canadian attitudes toward criminal law?
2. The Parliament of Canada in Ottawa has the power to create and change the *Criminal Code* and other criminal law statutes. Judges have the power to shape and apply criminal law through the common law. Discuss whether or not you think judges should have the power to create criminal law through their interpretation of criminal statutes.
3. Fahid was the victim of an attack by Donald. The police have charged Donald with a criminal offence. Fahid also plans to sue Donald in tort law for the damages he suffered. Discuss the differences between these two potential court cases.