



Why Foundations of Canadian Law is a Mandatory Subject

NCA exams are designed to provide students with enough time to produce well-organized and reasonably well-written answers. In grading these answers, weight will be given to relevance, conciseness, and organization. Here are some guidelines to keep in mind as you prepare to write your exam.

Foundations of Canadian Law is designed to acquaint students with the basic tenets, sources, and structures of Canadian law. Canadian law is informed by legal principles from England, France, the United States and other jurisdictions, and the result is a uniquely Canadian approach to the content, interpretation and administration of law. No amount of expertise on the law of England or the United States, or any other jurisdiction, will render one knowledgeable in the foundations of Canadian law.

Among the distinctive features of the Canadian legal system is a constitutionally-entrenched Charter of Rights and Freedoms, corresponding protections afforded to Aboriginal Peoples, as well as various legal theories which, although applied in other jurisdictions, are applied in Canada in a way unique to our geo-political and historical context. Canada's constitutional division of powers is also very distinctive.

The legal structure of Canadian federalism has been shaped by Canada's unique colonial history, by the courts, and by complex political forces. The result is a federal constitution that is in many ways singular. Accommodated within that federal constitution, moreover, is a civil law/common law regime that is itself highly distinctive.

In Foundations, students will become acquainted with the judicial decision-making process in Canada, with the sources of Canadian law, with Canadian bijuralism, with the legal relationship between the state and the Aboriginal Peoples, and with the main theories that have influenced Canadian legal thought.