

HANDOUT



LAWS: AN INTRODUCTION

We are all individuals. Yet, we are individuals as part of a larger society. The fact that humans live together in societies appears to be something baked into human nature. Everywhere we are found, we have formed into collective groups. This is true for the Inuit, the Māori, the Celts, and the Tjimba, along with everyone else.

It is difficult to offer a simple explanation for exactly why we group together. Like most things in life, simple explanations only offer one small piece of a big puzzle. Many complex issues are at play.

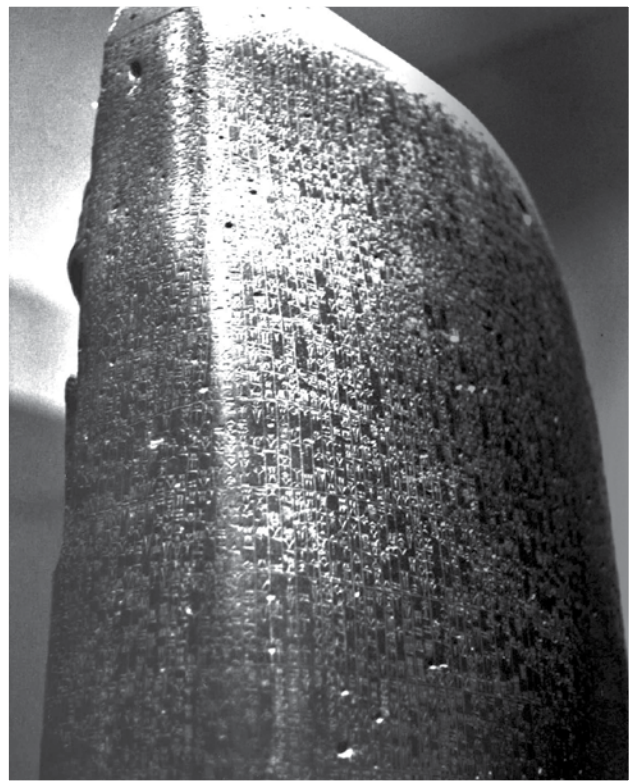
That understood, the fact that grouping together is a universal human trait can be partly understood through the study of genetics—the building blocks of human heredity. Genetically speaking, all humans are 99.9% the same. This is true regardless of our race, national or ethnic origin, colour, religion, sex, gender, sexual orientation, age, or mental or physical ability. Turns out that as a species, all humans are far more alike than they are different. In fact, humans are one of the most genetically-similar animals on Earth.

Because humans are all so very similar, we share many traits. One trait is that we group together, no matter where in the world we live.

When people group together, we form societies. A society consists of people who share traditions, institutions, and interests. When we form societies, we create rules. Some rules are informal. We learn them from our social interactions, from our efforts to fit in with and respect others, and from our observations of things around us. These rules develop organically, over time.

For example, on a bus, it usually is not okay to sing. It disrupts other passengers and if it's loud enough it will distract the driver. There is no written rule that prohibits singing on the bus. We simply have learned a societal expectation: we do not sing on the bus.

Other rules are formal. Society decides that certain guidelines need to be followed to ensure life is functioning and orderly. Formal rules are most often written down and are more strictly enforced. When governments create such rules, they are usually known as laws.



The Babylonian ruler Hammurabi created one of the first written codes of law. Laws were carved into stones and put on display around the kingdom. This way, everyone—or at least everyone who could read—could know the law.

Oral cultures often make use of proverbs and sayings so that their laws can be known. In such traditions, speech—not the written word—is the primary carrier of truth. Western systems of justice share some commonality with oral traditions. For example, in a court trial witnesses usually *speak* their testimony.

For example, if you want to drive a bus, there is a written rule that requires you to have a driver's licence. In fact, driving a bus usually requires a specific type of driver's licence. This is the law.

Like informal rules, formal laws and rules develop over time. Let's think a bit more about the example of driver's licences, and how rules around them evolved.

When the automobile was first introduced, everyone was free to hop in a vehicle and roar around town as they pleased. But as we all know, vehicles can be dangerous. As accidents increased and people began to hurt themselves and others, it became increasingly clear that particular skills were needed to safely operate a vehicle.

One response by governments was to develop licensing laws for drivers. By regulating who could operate a vehicle, society believed that they could keep unskilled drivers off of the road. This would help keep people safe.

In Saskatchewan, by 1932 all drivers were required to hold a licence. At first, licences were very easy to obtain. Most people received one simply by registering their vehicle. Others could buy a licence for fifty cents. Because the government issued licences, this meant that the government could revoke the licences of dangerous drivers.

However, giving out driver's licences without a test did nothing to ensure that drivers had proper skills. Hence, in 1949, the Saskatchewan government required drivers to pass a road test in order to obtain a licence. Written tests were added a year later.

As time passed, more people had cars and were travelling further distances. Interprovincial travel became common, facilitated by such advances as the construction of the Trans-Canada Highway in the 1950s and 1960s. With Canadians becoming increasingly mobile, travelling across provincial boundaries more and more often, provincial governments across Canada began to standardise driver's licensing requirements in the 1970s. This way, no matter where you lived or drove in Canada, the expectations for drivers would be similar.

Towards the turn of the century, evidence was mounting that new drivers were more likely to be in motor vehicle collisions than experienced drivers. So once again, the laws changed. The current system of full driving privileges being granted in stages was put in place in 2006. No longer could a driver simply receive full driving privileges from passing a written and road test.

Driver's licensing rules demonstrate a purpose of laws in society. Laws provide a framework for order, and can ensure a degree of predictability and stability. We have basic expectations about what skills are needed to drive a vehicle. Those expectations are—more or less—the same across the country. As circumstances change and our knowledge grows, we may revisit and update these laws.

These standards help make driving a safer activity.

Laws are a reflection of society's will. And as we change and evolve as a society, so too will our laws change.

DISCUSS

1. What reasons do societies have for creating rules and laws?
2. Is it possible for everyone to agree on every rule and law?
3. If it is not possible for everyone to agree, what does this tell us about the importance of dialogue and compromise?
4. Is compromise always possible? Do we sometimes have to accept that we cannot always get our way?