

Do You Know Your Rights? - Levels of Legal Literacy in the Canadian Population Alexis Keizer

As noted by Hadfield (2010) we live in “a law-thick world” (p. 23, as cited in Balmer et al., 2023). This quote highlights how every action we take is defined by at least one law. Many of these laws are buried in texts that are difficult for people to read and are applicable in, sometimes, peculiar ways. Further, they are often violated due to misconceptions of the ways they apply to people and the ways that they are not taught. In this research, I want to gather the levels of legal literacy that the general public has. There are many definitions, for clarity’s sake the definition from Rozani and Mordechay (2015) is chosen, therefore for this paper legal literacy is defined as: “...mastering legal discourse at a level that is necessary for conducting a meaningful and active life in a world saturated with a legal culture.” (Rozani & Mordechay, 2015, as cited in Freudenberg, 2017, p. 388)

While improving legal literacy is important, before we can do that, we need to understand where the public's understanding is currently at. In other words, where do they stand in being able to read the law? This is what my research aims to do. As a preliminary study for a much broader study of how to improve legal literacy, my research aims to gather data about where the public's level of ability to read and correctly interpret legislation is. In other words, to what level is the general public able to currently read and interpret legislation?

Nigel et al. (2023) note that there have been around 70 large-scale national-level legal needs surveys completed since the 1990s (OECD/Open Society Foundation, 2019, as cited in Nigel et al., 2023, p.25). However, this number seems to be rapidly growing as Pleasence et al. (2015) reported 28 studies completed at that time. This equates to a doubling in the last 12 years. Potentially the most concerning result from much of the research found “substantial knowledge deficit[s]” in their participants (Pleasence et al., 2017 as cited in Balmer et al., 2024). In their research, Pleasence et al. (2015) found that even the participants who claimed ‘complete understanding’ of their rights, only correctly identified, on average, 1.5 out of the 5 questions asked correctly. Further, Balmer et al. (2024) found that the vast majority of participants indicated that they had never had difficulties engaging in the law and had never needed assistance. Meaning that very few people actually understand the law, and even those who believe they do understand it might have misconceptions.

However, as also pointed out by Bowal (1998), while improving the system is important, understanding where to start should come first. Meeting the public where they are at in terms of current knowledge is important as if we try to teach them at a much higher level than they are currently at, they may get frustrated or confused and not want to continue their learning, or they may not take anything away from the teachings. If we teach them at a level that is too low they may get bored, or if they feel that they are being patronized they may not want to continue to learn. While this argument mainly discusses the benefit of gauging the level of legal literacy beforehand, the researcher was only able to establish it after they completed their project. And yet, despite these extensive research projects around the world, Canadian research on this topic is lacking. My research would start to fill in this gap.

A common thread in almost every article that discusses legal literacy has at least a small section dedicated to explaining why it is important to understand and improve legal literacy.

Some simply mention that it is important before discussing their specific research (Zanouzani Azad, 2012; Freudenberg, 2016; Grimes, 2010; McCoubrey, 2015; Nigam, 2008; Zariski, 2014). However, some authors bring in many specific reasons or explanations for why legal literacy is needed, and why it can often be brushed off. For example, Bowal (1998) notes how despite awards and distinctions being available for teaching in science and medicine, there exists none for law. In connection with this, they note how the organization that has been tasked with the responsibility of informing the public of their rights in many countries is their respective law societies. However, they present an issue in that many of these law societies often have mandates to protect their members' interests (i.e. private lawyers) (Bowal, 1998). Making public knowledge all that more important to make it easily accessible from other avenues. In a similar vein, Pleasence et al. (2015) noted how increasing budget cuts to services like legal aid clinics make the need for legal literacy all that more pressing. Further, some authors have noted that an alternative to promoting legal literacy is allowing the defence of not knowing the law. However, many authors have discussed how this would be a grave mistake to allow and would be almost impossible to disprove for first-time offenders (Muniesa, 2018; Olson, 2016).

The goal of my research is to complete a quantitative survey with qualitative components. The design for the survey will be to collect some basic demographic questions such as age, gender, race, education level, and household income. Given the vast and ever-changing demographic of a city, especially one as diverse as Ottawa for example, it is unlikely that autonomy will be a concern. After demographic collection participants will be given a series of 7 questions. Each question will present a sentence from a statute from the criminal code. The question will have a true or false question that states "I understand what this sentence says." If they answer true, it will then invite participants to explain what that sentence means in their own words. Lastly, the question will ask participants, on a scale of 1 to 5, how confident they felt in their answers.

In terms of a more specific breakdown of the data collection. The aim is to have an online and in-person data collection component. This is purposely done when trying to capture a more representative sample of the larger population, such as those who do not have reliable access to the internet. Further, it gives the ability to compare online versus in-person data to see if there are large differences in correct answers.

The focus on those without access to the internet is especially important when considering that those who have access to the internet do not have the ease of being able to search these laws and have access to online resources to try and understand them (such as the highlighted online module). Further, those without internet access and without shelter are often more likely to be overpoliced and are therefore more likely to need to know how to interact with the law.