

DRC4393 – Civil Law Reasoning

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Course objectives

- To promote a deeper understanding of Québec civil law through a historic and comparative approach
- To emphasize the interdependence between the fundamental domains of private law (contracts, torts, property, civil process, family law)
- To ponder the power games (between courts and legislator) behind rule making in a comparative perspective and the correlative (un)predictability of legal norms
- To show that civil law “legalism” is shallower than it appears on the surface by demonstrating the key role judges play in the application and interpretation of legal rules
- To build bridges between what students already know of the common law and civil law methodology and legal culture
- To master the civil law style in writing a paper

Teaching Method

This is an synchronous class taught live on-line on Zoom; participation is greatly encouraged. At the very least, students’ cameras should be activated.

For those unable to attend classes, an audio recording of each class will be made available each week on Brightspace (audio only to respect the privacy of attending students).

Method of evaluation

Paper Presentation in class: 20%

Paper: 70%.

Participation: 10%

All three parts of the evaluation are mandatory.

A Quebec civil law case will be handed out individually for commentary, bearing each on one of the main domains of civil law (contracts, torts, property, etc., chosen according to

the preference of each student). A first part will discuss the judgment in relation to what we discussed in class about the features of the civil law tradition and Quebec civil law on the subject of the case, and a second part will discuss what a common law would have decided on the same facts, how and on which basis. The commentary will be presented by each of the students in turn in class at the end of the semester and will be handed out as a dissertation paper at the end of the exam period. This dissertation will be a reflexion integrating what has been learned about Quebec civil law reasoning and the already known common law ways of doing things with rules. The outline shall be civil law style, constructed in a synthetic manner and with a particular attention to titles.

Participation can take the form of participating actively to the classes on Zoom (to this end, students' cameras must be activated), or, if unable to attend, of answering questions on the materials in advance of the class.

Materials used

Selected documents available in the electronic reserve compiled by the Brian Dickson Library