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DIVERSITY, CULTURE AND CONTRASTS: CANADA'S LEGAL KALEIDOSCOPE

Québec Civil Law : The C.O.D.E.

by

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We propose a broad overview of the Civil Code of Québec in terms of content and as a system of law, consisting of:

1. a narrated review of the content of the ten Books of the Code
2. an assessment of the place and limits of the Code in the context of the Canadian Legal System

In both these approaches, the purpose is to allow a correct and precise place for the Civil Code, "la loi commune des Québécois".

In doing so we hope to contribute to a better understanding of a major piece of the Canadian Legal System as a whole and put an end to an unjustified "legal separatism". We will decipher the C.O.D.E.

1 What makes Law complex? (reminder)

- Number of sources
- Dependence on the institution
- Language
- Dynamic (update)
- International aspects
- Etc.

2 What is Québec law?

- An exercise in complexity
 - Duality of Systems
 - History of Québec law
- The Civil Code : Québec's "jus commune"
 - *Prudhomme Decision* 2002 SCC 85
 - Common law of Québec vs the *Canadian Legal System*
 - The *Civil Code* narrated to your children

3 Three paradigms of Canadian Law (additions to the landscape)

- CL 1867 ss 91/92 *et al.* Distribution of powers
- Charter of rights and Freedoms
- NAFTA

Lesson learned : the horizon

4 Two features of Canadian Law (further into complexity)

- Bilingualism
- Duality of Systems (bi-juridisme)
 - 1st stage : access to justice
 - 2nd stage : drafting of statutes
 - 3rd stage : all concepts expressed in either system in both languages

5 International Law

Re : Book 10 of the *Civil Code*

CONCLUSION

See Le May *The Quebec Legal System: An Overview*, 84 *Law. Libr. J.* 189 (1992) at pp. 193-194 and footnote 12.

The C.O.D.E. deciphered

About the speaker

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Author : *Les références essentielles en droit québécois* (2009 English ed. Irwin Law), *La recherche documentaire en droit, Méthodologie du travail juridique*, *Le Code civil du Québec en tableaux synoptiques* (2006 English ed. Irwin Law) and *Une Grille d'analyse pour le droit du Québec*, all published by Wilson & Lafleur.