**Civil Law Introduction**



One of the goals of the course is for you to develop, refine, question and explore, your own definition of justice. Let’s check in on where you are: *What is your current conception/definition of justice?*

Justice is…

The following questions have you gain grounding in Civil Law. The resources below should help you. It would be helpful to scan one or two of them first, then bounce back and forth between relevant articles and the questions. Note the differing expectations for the two sections below; expectations for citation are in effect for both.

**Resources**:

* + <http://www.cscja-acjcs.ca/criminal_civil_law-en.asp?l=4>
  + <http://www.justice.gc.ca/eng/csj-sjc/just/03.html>
  + <http://www.courtsofbc.ca/civil-law.php>
  + <http://www.economist.com/blogs/economist-explains/2013/07/economist-explains-10>
  + <http://www.duhaime.org/LegalDictionary.aspx>

**Content Understanding**

Emphasis on factual understandings communicated with precise language. There are, more or less, “right or wrong” answers here.

1. Define the terms below. Ensure that you are defining them as they apply to our Canadian context. Don’t plagiarise (how? Use your own words and/or citations for quoted material).

|  |  |  |
| --- | --- | --- |
| tort | negligence | balance of probabilities |
| plaintiff | applicant | defendant |
| respondent | damages | civil law |
| common law | statute law | mixed legal system |

1. Draw a [concept map](http://en.wikipedia.org/wiki/Concept_map) that links at least 6 of these terms together. Your linking arrows should come with brief explanatory words or phrases. Feel free to include images.
2. What is the relationship between historical legal codes and civil law in Canada?
3. What is unique about Quebec’s legal system?
4. What is the role of the state (government) in civil law disputes?
5. What are the common areas for civil claims to be launched? You should have at least 4.
6. If you wanted to launch a civil case, what would your first 3 steps be?

**Critical Thinking**

***Emphasis on putting pieces together using the content understanding generated about more involved or in depth aspects of this area of law. There are no right or wrong answers, but responses must be justified and supported.***

1. What are the principles or concepts that underline the differences between the criminal code and common law vs. civil law? Be sure to talk about the principles and the differences.
2. Should the standard of proof differ between criminal and civil matters? Explain.
3. How does your current definition of justice (above) relate to civil law?
   1. What can you add to make your definition/conception inclusive of the unique aspects of civil law?
   2. Would you prefer to have a separate definition/conceptualisation for justice in terms of civil law? If so, write it here. If not, why do you think it is valid to have 1 linked conceptualisation of justice?
4. Find an example of how civil law has been used to advance an economic, social or political issue. Note:
   1. A link to a credible report on the case.
   2. What is the issue?
   3. How is civil law being used?
   4. Why was this strategy attempted?

*For examples of how civil law suits were used to address environmental concerns, usually of citizens/communities against polluters, see:* [*http://envirolaw.com/wp-content/uploads/Sig-Decisions\_OBA\_Inst\_2012-for-blog.pdf*](http://envirolaw.com/wp-content/uploads/Sig-Decisions_OBA_Inst_2012-for-blog.pdf)