

JURI 2106 E Introduction to Private Law

READING GUIDES

Course outline and FAQ

1. What does class participation consist of?
2. Why do you need to discuss class activities and class discussions in the tests, essays, and final evaluation?
3. What is the class methodology? How will classes be conducted?
4. What is the policy about written assignments?
5. What is the attendance policy for the course?
6. What is the policy about privileges?

Principles of Private Law

1. What are the historical roots of Private Law? They are mentioned in the text, but if you are not familiar with them, do some background readings and explain them.
2. What was the major tenet of Late Scholastics and the Northern Natural Law School?
3. What is distributive justice? What is commutative justice? What are their differences?
4. What are the principles of Private Law?
5. Illustrate each principle with an example.

Contracts

1. What is a contract in common law? Civil law?
2. Are there contracts in Aboriginal law?
3. How is a contract formed in common law? Civil law?
4. What is a breach of contract?

5. What is convergence? Are civil law and common law marching toward convergence? Why? Why not?
6. How do the principles of Private Law explain the rules of contract?

Feminist theory and transgender issues

1. What is the difference between sex and gender?
2. What does the term transgender refer to?
3. Explain Canadian jurisprudence before Nixon.
4. What happened in Nixon?
5. What is the author's thesis in the article?
6. What is your opinion about her thesis?

Law reform

Julian Hermida's article:

N.B. Focus on the notions, theories, types, and historical development of law reform. The examples given in the article are useful only as examples of law reform. You do not need to focus on those examples.

1. What is law reform?
2. Explain Jonathan Miller's typology of law reform.
3. What are the main characteristics of law reform?
4. Explain the Law and Development movement.
5. What are some of the shortcomings of the current paradigm of law reform?
6. What is the participatory approach to law reform?

Smits article.

1. What is Legrand's notion of law?
2. What is Legrand's position about convergence in Europe?
3. What is Julian Hermida's position about convergence between civil law and common law explained in the article Convergence of Civil Law and Common Law Contracts?
4. Which author do you agree with? Hermida or Legrand? Why?

Torts: Common Law, Civil Law, and Soviet Law

1. What are the main principles of tort law?
2. Explain the historical development of tort law?
3. What are the main types of contemporary torts law in civil law and common law?
Is there convergence?

Soviet Torts Law

1. Explain the notion and elements of torts law.
2. Compare Soviet torts law with civil law and common law.
3. Do some research about the current notion of torts law in Russia (not mentioned in the text). Explain it in light of convergence and law reform.

US Torts Law reform

1. Explain the torts law reform movement in the United States.
2. Analyze in term of the historical development, theories, and types of law reform (Jonathan Miller, Julian Hermida, Legrand).

Family Law

1. What did the Ontario's Arbitration Act allow?

2. What is the (apparent) tension between the principles of multiculturalism and protection of women's rights?
3. What are some of the problems that arose from this Act?
4. What happened?
5. What is your position? How would you reconcile these two principles (multiculturalism and protection of women's rights)?

Property

- What is the historical development of property law in common law?
- Has there been convergence between civil law and common law in the area of property law?
- What is the notion of ownership in civil law and common law?
- James Gordley (chapter 1) does not explain the principles for property law. Can you formulate them?