DUALISM, MIXEDNESS AND CROSS-BREEDING IN LEGAL SYSTEMS: QUEBEC AND CANADIAN LAW

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1. Introduction

For most of the 20th century, comparative law scholarship focused on Western legal systems and the two main traditions that are found within them: the civil law and the common law. Cross-fertilization and legal transplants were ignored or minimized in order to fashion an archetypical view of legal systems that was based on a monolithic and State-centric conception of law.[1] The primary audience for these earlier works was apparently composed of practitioners whose commercial clients were active in foreign markets or of lawyers who were confronted with an issue of private international law. In the 1960s, national legal systems were assigned to three families: the "Roman-Germanic," the "socialist" and the "common law." Legal cultures with religious, spiritual or customary origins were relegated to a catchall category entitled "other conceptions of social order and law."

This systemic vision gave pride of place to Western culture. It became extremely influential following the publication of the textbook by René David and its translation to English by John Brierley, a law professor at McGill University (David, 1964; David & Brierley, 1985). Nevertheless, it glossed over the phenomenon of "mixed" jurisdictions, in which a law of Roman origin (codified or not) has survived within a State where the common law predominates, or vice-versa (Palmer, 2012; Tetley, 2000). The best-known examples are Israel, Louisiana, the Philippines, Puerto Rico, Quebec, Scotland and South Africa, but many others exist. In 2002, the World Society of Mixed Jurisdiction Jurists was founded in order to study commonalities and differences between these systems (e.g., Farran, Örücü, & Donlan, 2014; Örücü, 2010; Palmer, 2012). More recently, however, researchers have broadened their horizons and have included Indigenous and Islamic law (Palmer, 2012).

It should be emphasized that the two main European traditions are themselves the result of various historical influences, such as Roman law, ecclesiastical law, feudal and customary law, or commercial customs (e.g., Donlan, 2015, p. 25). Historically, the common law has borrowed some principles from the civil law, but the reverse has been rare in private law before the 21st century (Donlan, 2010; Glenn, 2014, p. 271). On the other hand, English institutions such as the parliamentary system and the jury trial have strongly influenced the evolution of public law in the European continent (M. Morin, 2014, pp. 108-110). Be that as it may, this paper will introduce the reader to one mixed system, that of Quebec. It will begin by reviewing briefly the differences between legal systems and legal traditions (section 2). Next, it will explain how the law of Quebec is derived from a variety of French and English

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1 See, for example: Örücü (2004), Glenn (2007), & Siems (2014).

rules, and ask to what extent these mixed sources had rendered its civil law and its common law culture qualitatively different from their European models, that it too say, hybrid (section 3). It will then discuss how Canadian law accommodates various legal orders such as the civil law and Indigenous legal traditions (section 4).

2. Legal Systems and Legal Traditions

Among comparatists, the metaphorical expression "legal systems" is attractive to Cartesian minds, because it evokes a deductive model. In this view, facts are materials that are processed according to the specifications of legislation and jurisprudence (i.e., relevant judgments for the problem at hand). The trial is the machinery and the judgment becomes the final product. On this imaginary assembly line, decisions are made as the need arises by a chief engineer who is in charge of quality control. If a new way of doing things is generally adopted, it is included in a manual or instructions that can be revised at any time. Branches make similar products using a similar technology; they can be compared to families in the biological sciences (Glenn, 2007).

Common lawyers are attracted to another metaphor: namely tradition (Glenn, 2014; Merryman & Pérez-Perdomo, 2007). In this view, past practices and mental schemas provide guidance to those who are entrusted with specific responsibilities (Glenn, 2008). Facts are substances and trials are rituals used to deal with a request or an incantation. Statutes and jurisprudence compose a repertory of appropriate behaviors that may be updated in different ways during a ceremony following protracted debates about their raison d'être. It is hardly conceivable for the officiant to openly disregard the requirements of ancient times, except when no pre-established model can be found for the request at hand, or if many different ones seem relevant. Ultimately, it will be up to the authorized interpreters of a given tradition to settle the issue. A decision that innovates even marginally becomes a new way of doing things that will guide officiants in the future.

A legal tradition is therefore not limited to the rules established by a Nation-State, or by courts in the common law tradition. It may have a religious or a spiritual dimension. Thus, Patrick Glenn's famous book analyses Chtonic, Talmudic, civil law, Islamic, common law, Hindu and Confucian traditions (Glenn, 2014). The choice of a metaphor may very well be correlated with the ingrained reflexes of jurists trained in one specific legal system (Andò, 2015, pp. 7, 10-12). However, the preconceptions that were dominant during the second half of the 20th century have been harshly criticized. Why not focus on constitutional law and the existence (or inexistence) of the power to strike down legislation? After World Word II, this would have produced an opposition between the Americas (with some exceptions in Latin America) and Australia, on the one hand, and the vast majority of European countries and New Zealand, on the other. The presence or absence of a jurisdiction of last resort for administrative law issues creates another fault line. In the end, families of legal systems are as diverse as human ones.

Can one really group together the codes based on the Napoleonic model and the Austrian (1811), German (1800) and Swiss codes, not to mention the uncodified laws of Roman origin in Denmark, Sweden and Iceland?[2] What about the common law rules applied in various U.S.

2 See Siems (2014, pp. 64-65).

jurisdictions and encapsulated in Restatements, which often differ significantly from those found in Commonwealth countries (Siems, 2014, pp. 65-68)? Or the innumerable differences between Latin American systems having a civil code? Of course, within a tradition (or a family), archetypes facilitate interaction between jurists, whereas between lawyers who have a different background, mutual incomprehension will probably be the rule. It has been said that such "macro-constructs [...] have an effect on our understanding of [...] reality by shaping its epistemological structure" (Husa, 2016, p. 10). Indeed, an apparent similarity between legal systems may disguise innumerable differences.

Contemporary scholars are aware of these difficulties. The twelfth edition of David's book (by Marie Goré) is divided in seven parts, but retains only the Roman-Germanic and common law families (David, Jauffret-Spinosi, & Goré, 2016, p. 17). Part I includes the Roman-Germanic family, Part II the Russian legal system, Part III the common law (with separate subparts for England and the United States), Part IV Muslim law, Part V the law of India, Part VI the law of the Far East (with subparts for China and Japan) and Part VII the laws of Africa and Madagascar. The first three titles comprise 338 pages, but the last four add up to 146 pages. For his part, Gilles Cuniberti abandons the notion of family and focuses on Western legal systems (continental legal traditions, English and U.S. law), Eastern legal systems (Chinese, Japanese, Islamic and Indians) and African ones (2015). Michel Fromont also follows a geographical approach, moving from Western Europe to England and the United States, with an unusual part on Canada and India, ending with "other Romanist laws," namely Brazil, Russia, China and Japan (2013).

All these authors emphasize the importance of custom, religion and spirituality in Asia and Africa. Nonetheless, the distinction between the common law and the civil law remains relevant to understand the legal systems of these countries. Despite the common values and social characteristics of the nations from which they originate, these two traditions are sufficiently different to prevent the recognition of a "Western legal tradition" (Gambaro, Saco, & Vogel, 2011, pp. 52-53; Glenn, 2010; Husa, 2016; Siems, 2014, pp. 68-70).

3. The Hybridity of Quebec Law

Certainly, to understand Quebec's legal history, it is essential to distinguishing carefully between the role of the common law and the civil law traditions (section 3.1). Nowadays, they apply to separate fields; in my view, this is the defining characteristic of a mixed system. However, the basic assumptions and methods of these two traditions may conceivably have been modified following their interaction with each other, giving birth to a hybrid system (section 3.2).

3.1. Historical overview.

From the beginning of the 17th century, a French colony developed in the Saint Lawrence River Valley, with Aboriginal Peoples living separately according to their own customs. In private law, the main enactment was the Custom of Paris, whose rules were written down and given force of law by the king in 1580 and made applicable to New France from 1664. Apart from royal or local ordinances, French legal literature and jurisprudence, which was remotely based on Roman law, played a major role for obligations and contracts and for certain issues of family law, although in this last field canon law was also relevant.

After the Capitulation of Montreal (1760) and the Treaty of Paris (1763) by which France ceded "Canada" to Great Britain, the Royal Proclamation (1763) introduced English law in the new "Province of Quebec." In practice, colonial authorities, judges, legal practitioners and even the parties to a dispute devised various stratagems to allow for the continued application of the private law that was in force prior to the Conquest (Decroix, Gilles, & Morin, 2012). Petitions asking for the reinstatement of French law were also sent to the British government. In 1774, Parliament adopted the Quebec Act, which repealed the Royal Proclamation and declared that henceforth, pre-Conquest rules would apply to property and civil rights (i.e., private law), while English criminal law would be retained. Implicitly, constitutional and administrative law remained English (Brierley & Macdonald, 1993; M. Morin, 2014; Normand, 2008).

Exceptions were quickly made to the restoration of French law: the Quebec Act provided for complete testamentary freedom, while in 1777, an ordinance introduced English rules of evidence in commercial matters, followed by optional trial by jury between merchants or for personal injury (in 1785). In general, the fields of civil procedure, evidence and commercial law were heavily influenced by the common law tradition.[3] By the 1850s, the confusing mix of 18th century French sources, common law rules and local legislation lead to the decision to codify the law. Codifiers were to follow the style and outline of the Code Napoleon (1804), but a fourth book would include commercial laws. Two codes were adopted: the Civil Code of Lower Canada (1865, in force in 1866) and the Code of Civil Procedure (1866, in force in 1867). Though the Civil Code retained a large number of local rules (for example, divorce was not allowed), it definitely bore a family resemblance to its French model (Brierley, 1968; Cairns, 2015; M. Morin, 2015; Normand, 2008; Young, 1994).

Confederation gave the provincial legislature of Quebec control over property and civil rights and the two codes that had recently been adopted, with some exceptions such as marriage and divorce, which fell under federal jurisdiction. For about fifty years, the courts often referred to common law precedents when interpreting the code, but later this became quite rare (M. Morin, 2000). Quebec legislation was often based on common law models. It either remained separate from the code or introduced into the code new articles that were very ill fitted to its overall design. Finally, in the 1960s, it was felt that the economic liberalism and the discriminatory family law rules that infused the code required a wholesale recodification, in order to modernize the law and to protect vulnerable persons (Brierley, 1992; Brierley & Macdonald, 1993). The reform was finally completed in 1991 and the new Civil Code of Quebec came into force on January 1, 1994 (Baudouin, 2005, 2009; Normand, 2008; Pineau, 2009).

3.2. Juxtaposition or hybridization?

Initially, for comparatists, mixed systems appear to have been an anomaly that could be disposed of in a few lines (Palmer, 2012, pp. 12-13). Thus, for David, these systems "cannot be annexed to either family, because they embody both Romano-Germanic and Common law elements" (David & Brierley, 1985, p. 25). However, the idea had long been recognized. As early as 1892, Scots law was described as having a mixed and varied character (Cairns, 2013, p. 689). In 1950, David introduced his readers to the laws of Louisiana, Quebec, Scotland

3 See Brierley & Macdonald (1993), Normand (2008), & M. Morin (2014).

and South Africa. He considered these jurisdictions to be "mid-way" between the French and the common law "groups" (David, 1950, pp. 305-311). Other authors discussed these systems at the time (Arminjon, Nolde, & Wolff, 1950-1952). Nevertheless, except for the legend of a map accompanying a paper by R. W. Lee (1915, p. 90), the expression "mixed jurisdictions" seems to have been popularized by T. B. Smith. He used it regularly from 1956, if not before,[4] notably in his influential paper "The Preservation of the Civil Law Tradition in 'Mixed Jurisdictions'" (Smith, 1965; Palmer, 2009). A year before, David had referred to "mixed laws" in the first edition of his famous handbook, explaining in a footnote that "regretfully," he could not describe them in this work (1964, p. 21).

Moving to Quebec, Frederick Parker Walton, a Scot academic who became Dean of the Faculty of Law at McGill University in 1897, wrote a splendid book in 1907 on the interpretation of the first Civil Code (1980b). In 1980, it was translated for the first time in French by Professor Maurice Tancelin, who also wrote an introduction entitled "How can a legal system be a mixed system?" (1980a; 1980b, p. 1). Tancelin emphasized the mixed or syncretic character of the civil law of Quebec, notably because the courts had interpreted the Civil Code in a restrictive manner and generally adhered to the principle of stare decisis. For him, a mixed law "has been subjected to two successive wholesale receptions which have partly cancelled each other out, so that it is difficult to determine which of the two legal systems is the receiving system and which is the received system" (1980b, p. 25). In such a case, it would seem preferable to speak of hybridity or of cross-breeding (*métissage*), because in a mixed system, legal traditions can coexist or be juxtaposed in separate spheres without influencing each other. Be that as it may, Mr. Tancelin envisioned various scenarios for the future, such as a reinforced separation of the two traditions following the eventual independence of Quebec, a slow erosion of the civil law tradition, or the appearance of a Canadian private law that borrowed from the two traditions, a possibility he considered to be clearly unrealistic (1980b, p. 29).

Thirty-seven years later, the close resemblance between the status and the role of judges in common law jurisdictions and in Quebec is well accepted, as well as the marked difference between the procedural and evidentiary laws of France and Quebec (Jukier, 2015; Jutras, 2009b; Morissette, 2014). Scholars and judges who had labored relentlessly to consolidate the civil law tradition in Quebec now rejoice: common law concepts that had found their way into jurisprudence have been expelled from it (Howes, 1986; M. Morin, 2000), the restrictive approach to the interpretation of the Civil Code has been rejected and the linguistic quality of the French version of the 1994 Civil Code is an improvement over the 1866 Code. Nevertheless, it took until 2016 to remedy the problems that marred the English version (Coates, 2011). The 1994 recodification has succeeded in modernizing the values and concepts of the civil law (Arroyo I Amayuelas, 2003; Baudouin, 2005, 2009; Masse, 2003; Pineau, 2009). Finally, as we shall see, the suppletive role of the civil law has been officially recognized in cases where federal legislation contains a gap or is otherwise incomplete.

Nowadays, the legal literature of Quebec is abundant and diversified, while jurisprudence is plethoric because of digitalization. This explains why judges rely much less on French jurisprudence than in the past (Jobin, 2010). They generally refuse to consider common law concepts, even for institutions that have been notoriously borrowed from this tradition, such

4 See Smith (1962, p. 89).

as the trust; in this regard, labor law seems to be the exception that confirms the rule (Jutras, 2009a, pp. 248, 266). In addition, it must be said that, as a general rule, practitioners who have studied only the civil law are not particularly curious about the common law. However, this does not prevent them from quoting particular common law precedents on an ad hoc basis. By doing this, they run the risk of assessing incorrectly the role that these decisions play in their system of origin.

For its part, the Supreme Court of Canada has subsumed under the civil law notion of fault some public law privileges and immunities recognized by the common law (Supreme Court of Canada, 2002). Therefore, for the relevant issues, it is no longer necessary to refer to common law precedents. In theory, this part of the law is no longer mixed and the hybridity of the civil law has decreased. At times, the Supreme Court of Canada also ensures the similarity of solutions in the two traditions. In doing so, it uses the specific terminology and concepts of the civil law because, in its opinion, they lead to the same conclusion as common law judgments (Supreme Court of Canada, 2001, 2010a, 2010b). Moreover, a dialogue between the two traditions has been taking place between its justices, although the conclusion may be a situation of divergence. In such a case, the court "will be mindful of the specificities of the two traditions and will not hesitate to acknowledge their particularism when this is required by the principles or the economy of legal regimes" (Lebel, 2006, p. 219).

Even though the common law is the material source of many institutions found in the Civil Code of Quebec, this is often hidden from view by its articles or by the civil law style that characterizes most judgments. One may wonder if the hybridity of the civil law is not disappearing or at least fast receding. Jean-Louis Baudouin emphasizes that "Jurisprudence, whether British, Quebec or French has become, in every system, as was once so well demonstrated by Gény, a primary source of law" (2009, p. 513; S. Morin, 2014). There only remain stylistic differences (the conciseness of codes and the brevity of French appellate court judgments, the prolixity of legislation and of judicial reasons in the common law tradition).[5] As for the length of judgments, Dalphond believes that, "by giving a human face to its application, Quebec judges facilitate the adhesion of litigants to the Civil Code" (2003, pp. 99-100). For Popovici, the justices of the Supreme Court of Canada write in an "argumentative, didactic and prolix" style (2003, p. 216). Moore believes that the jurisprudence of Quebec is less abstract (or more concrete) than French judgments (Moore, 2011, p. 205). But the laconic or even sibylline character of reasons is not part of the civil law genetic code: in Germany, in Argentina, in Greece, in Italy, in Switzerland and in Sweden (among others) judges write "a dissertation of variable length" (David & Brierley, 1985, p. 142; Kischel, 2016, p. 917; Rivera, 2011, pp. 154-155; Siems, 2014, p. 64).

Of course, referring to cases from other jurisdictions is a distinctive feature of Quebec law that has no equivalent in countries that consider themselves self-sufficient in legal matters, like France. Elsewhere, notably in Belgium, Luxembourg and Austria, judges do make reference to cases or legal principles of powerful neighboring countries with large populations. Granted, these jurisdictions share the same legal tradition. Nevertheless, in Argentina, some U.S. cases have influenced judgments of Supreme Court in constitutional law matters; in turn, these decisions had important consequences for the Civil Code (Rivera, 2011, pp. 149-155).

5 See also M. Morin (2013).

In short, referring to decisions of another tradition is not anomalous. As Moore put it, in Quebec, one no longer fears "the acculturation of the civil law by the common law […] the simple cross-breeding of sources is not synonymous with acculturation or even mixedness and it should no longer be experienced that way" (2011, p. 211). Mathieu Juneau, however, argues that more recently, courts have interpreted the Civil Code of Quebec in a way that betrays the legal acculturation of civil law jurists (2016, pp. 821-828).

The declining number of common law references in Quebec judgments can be further explained by the vigor of Anglophone civil law scholarship. Historically, many Anglophone judges protested against the use of common law precedents in civil law cases, at least from 1850 (M. Morin, 2000). Famous scholars also contributed significantly to the work of the Civil Code Revision Office or to the evolution of the civil law (Brierley & Macdonald, 1993; Normand, 2008). On the other hand, some Francophones became genuinely attached to common law rules that had been adopted against the will of previous generations (M. Morin, 2003a). They also vigorously opposed innovations of French jurisprudence that seemed too daring to them (Jobin, 2010; M. Morin, 2000). More generally, even when they were initially controversial, imports of this kind became well fitted to the civil law system; ordinary jurists are often ignorant of their origin—for instance, the principle of testamentary freedom or the remedy of injunction. All things considered, Quebec's legal community has succeeded in imposing the respect of the historical partition effected in 1774, with private law being French in origin and public law, including criminal law, being derived from England (Brierley & Macdonald, 1993; M. Morin, 2014, 2017; Normand, 2008).

In the realm of public law, the common law is also changing. The particularities of Quebec administrative law are being discussed (more exactly, the differential application or modulation of its rules in Quebec).[6] Its rules are translated and explained in French. They have been expounded by Justices of the Supreme Court of Canada who were renowned civil law jurists, in a more abstract and systematized way. This common law is no longer what it used to be—but this is of course true of the private common law applied in other provinces and territories. Since the adoption of the Canadian Charter of Human Rights and Freedoms, in 1982, Courts have been focusing more on general principles (Baudouin, 2005, 2009; Gaudreault-Desbiens, 2006; M. Morin, 2012b). This does not mean that common law judgments can be confused with civil law jurisprudence—far from it. But the bewilderment of civil law jurists reading common law judgments is no doubt less pronounced in 2017 than in 1967.

4. Canadian Normative Pluralism

The Canadian Constitution grants the legislature the power to adopt and modify a civil code. Canadian legislation must therefore take into account the civil law and the common law traditions, as well as institutional bilingualism (section 4.1). Unfortunately, the situation is very different for Indigenous and legal traditions that are not recognized by the Canadian State (section 4.2).

4.1. Canadian federalism and the civil law tradition.

We have seen that the law that is applicable in Quebec is mixed because of its dualist character. In the public law realm, if no constitutional or legislative provision will solve a legal problem,

6 See Leckey (2004, 2007).

the common law will apply (Supreme Court of Canada, 2002). As for sectors of private law that fall under federal jurisdiction (for example, intellectual property, maritime law, marriage and divorce, company law for businesses operating nationally, etc.),[7] they may be governed by rules that derogate from provincial law principles and use common law terminology (this was the rule for a long time) or that refer expressly to civil law concepts (a rarity prior to the last decade of the 20th century). The federal Interpretation Act confirms that gaps in federal legislation must be filled by the private law rules of the relevant provinces (Parliament of Canada, 2017, s. 8.1 and 8.2). In theory, only a deliberate decision of the legislature, or the judicial construction given to an enactment, may force Quebec courts to apply common law rules to private law issues.

In other words, private law rules contained in a federal enactment must be imbricated, as far as possible, in the civil law ordering of Quebec. Of course, a jurist that has been trained only in the civil law tradition—which is still the case for the majority of practitioners in Quebec—will be bewildered by the makeup of federal legislation. Similarly, a common lawyer will be disoriented by the abstract nature of civil code provisions. Nevertheless, a jurist working in a common law jurisdiction will never be forced to supplement federal legislation by cases coming from a tradition that she has never studied and which she can discover only with difficulty.

In federal legislation, duplicates illuminate the mixing of sources in the private law of Canada. They consist of using appropriate common law and civil law terms in both linguistic versions (for instance, "real property" and "immovable" in English, "biens réels" and "immeubles" in French). This juxtaposition highlights a consequence of the Canadian federal system, as well as the existence of a different legal tradition in Quebec. However, for a given issue, within a province or a territory, there is no room for dualism: bi-juralism is strictly territorial.

In this regard, this situation evokes an "epistemology of separation," although in practice, judges are reluctant to recognize that the ambit of a federal legislative provision varies according to the province in which the litigation originated (Gaudreault-Desbiens, 2007; Grenon, 2011; Kasirer, 2006, p. 326; Leckey, 2010). More generally, the federal Parliament has never tried to induce the creation of a syncretic legal thought to which many would aspire at the Canadian level, although "cynics" will object that this phenomenon is essentially present in "Ottawa, Montreal, St. Boniface and Moncton," where linguistic minorities must deal with a system that was essentially developed in the language of the majority: English (Kasirer, 2006, p. 353).

4.2. Indigenous traditions and legal pluralism.

The rights of Aboriginal peoples are also constrained by this logic of separation. Reshaped and marginalized by judgments of the Supreme Court of Canada, their traditions are generally reduced to mere facts that judges can take into consideration when defining the contents of their constitutional rights. Except where the legislature expressly refers to these norms, both the common law and the civil law refuse to acknowledge them as contemporary sources of law. In this regard, the sources of Aboriginal rights are not mixed, although limited elements of their traditions are occasionally incorporated in rules recognized by the legal system of the

7 See Parliament of the United Kingdom (1867, s. 91).

State. To this extent, these traditions can be considered one material source of the formal law among many others. There is, therefore, a certain kind of hybridity in a field constantly evolving (M. Morin, 2003b; Grammond, 2009, 2013; Otis, 2014). Furthermore, many Canadian law schools have created courses or pedagogical activities that focus exclusively on Indigenous legal traditions, independently of State law (McGill Law Journal, 2016).

A similar phenomenon may be observed for norms that are not controlled by the State and that originate from religious, local or particular communities. When they do no conflict with legislation or case law, courts will take them into consideration and will be influenced by them, though they will tend to rein in their consequences. But in cases of conflict, they will decline to give effect to these norms, even though individuals may observe them faithfully (Belley, 2011; Macdonald, 2011; Webber, 2006). Recent research, however, has shown that there has been a tendency to overestimate the possibility that semi-autonomous communities will regulate themselves informally or through consensus without relying on the actual or potential intervention of the judicial system (Decroix et al., 2012, pp. 8-11, 78; De Ruysscher, 2012). That being so, without denying that informal norms may be more effective in practice than State rules, we think it necessary to distinguish sharply between the two, by referring to "normative pluralism" instead of "legal pluralism."[8]

5. Conclusion

Mixed jurisdictions apply rules that originate visibly from different legal families or traditions in sectors of the law defined more or less precisely. A point of equilibrium may be reached in the delimitation of the fields in which a distinct tradition applies, often after protracted debates. The political clout of jurists trained in the minority tradition is evidently an important factor to consider in this regard. This explains why Quebecers, who currently account for slightly less than 25 % of the population in Canada, have been able to maintain their tradition alive in the federal system that was designed in large measure in order to achieve this objective. Indigenous traditions and rules unrecognized by the State have not enjoyed a similar success. As for Quebec's civil law, local sources have replaced French ones and references to foreign law have declined with the development of an important legal literature, in French and in English. This blending of sources corresponds to a process that occurred prior to the 19th century (to simplify a complex issue) in major legal traditions that are now considered homogeneous, even though they have been influenced by multiple and diverse legal norms. Quebec's civil law tradition may have achieved this result with the recodification of 1991, as the influence of the common law methods and assumptions have declined recently. Hybridization undoubtedly did occur, but its extent is currently debated or minimized. As is well known, great countries dislike acknowledging their intellectual debts. Smaller ones, or cultural minorities, must find allies—in the legal sphere as well as in other fields.

8 See also Donlan (2015, p. 23).

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