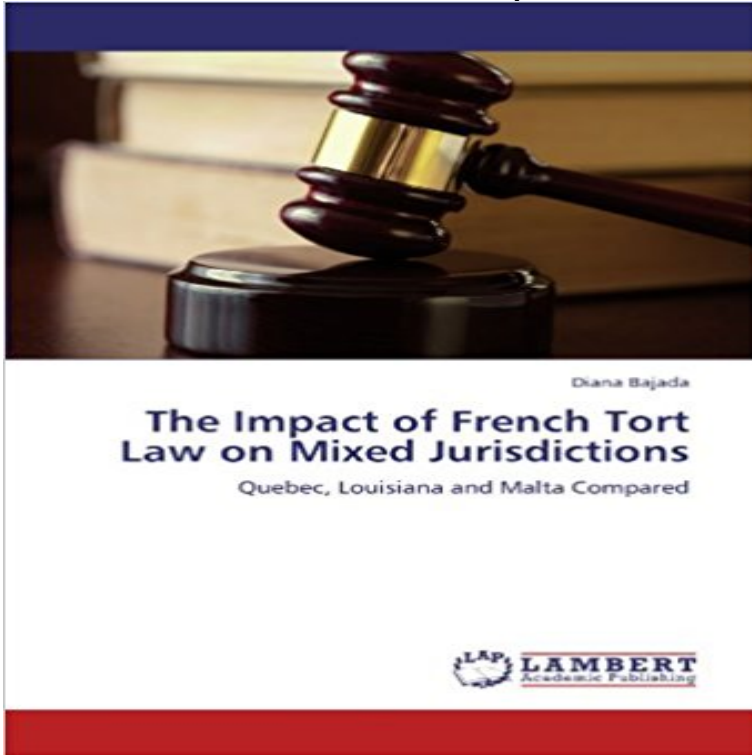


The Impact of French Tort Law on Mixed Jurisdictions: Quebec, Louisiana and Malta Compared



This book takes as point of departure the virtually ad verbatim reproduction of the Napoleonic tort general clause which existed in the mixed jurisdictions of Quebec, Louisiana and Malta as common law infiltrated their area of Tort Law. Salient contrasting features with French Tort are highlighted, as aspects which have retained the original French approach are pointed out. Areas where subtle mixing created a unique blend are also identified. The main body of this book brings forth jurisprudential interpretations which are tested against the obtaining legislative texts with striking results that point unequivocally to the fact that the legislative facade is not always telling of the underlying judicial tendencies. A final chapter gives a clear view of the degree of foreign influence which each mixed system has permitted. The choice of countries provides the varying degrees which a mixed jurisdiction might display, concluding indeed that the impact left by French tort law has been absolute in Quebec, largely rejected in Louisiana, with Malta located in an intermediate position of continuing interaction between civil and common law.

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