

The Malleability of Property Law in Québec: Trust, Collective Ownership and Aboriginal Title

Alexandra Popovici & Gaële Gidrol-Mistral
24 March 2022, Univerza v Ljubljani

This talk will focus on the specificity of Québec's property law.

Québec is a mixed jurisdiction, where its *jus communes*, taking the shape of a bilingual civil code inspired by the French legal tradition, knows various influences from the common law. This gives rise to many tensions within its private law, many finding their ground in property law.

Three specific institutions will be used to highlight these tensions and their effects on the law: the trust, collective ownership, and aboriginal title. All three redefine the place of subjective rights and self-interest in private law; all three put to the forefront the plasticity of our civil law.

Alexandra Popovici is a professor at the Faculty of Law, *Université de Sherbrooke*. Using critical and comparative perspectives, her work focuses on fundamental institutions of private law both in the civil law and the common law traditions. A graduate of the Transsystemic Program of McGill University, she also holds an LL.M. and an LL.D. from Laval University, as well as a B.A. in comparative literature and cinema from the University of Montreal. Member of the Barreau du Québec, she served as a law clerk at the Court of Appeal of Québec after having been the Assistant Director for the Paul-André Crépeau Centre for Private and Comparative Law. Her work today focuses on the social functions of private law, more particularly on the notion of power and new ways of holding property.

Gaële Gidrol-Mistral is a professor at the Faculty of Political Science and Law, *Université du Québec à Montréal*. She is also the director of the *Groupe de réflexion en droit privé* and vice-president of Quebec Society of Comparative Law. She holds a doctorate in civil law from *Université Jean Moulin Lyon 3*.

Her work on private law focuses on the general transformations of the civil law. By revisiting its fundamental concepts and categories, she wants to open up a dialogue between subject and object, things and persons, the individual and the collective. Her research is supported by the *Chambre des notaires du Québec*.