

"La responsabilité ci-dessus a lieu seulement lorsque la personne qui y est assujettie ne peut prouver qu'elle n'a pu empêcher le fait qui a causé le dommage."

On these words it is pretty plain that the above comment, founded only on the English text, fails. "La responsabilité ci-dessus" refers to the whole preceding part of the article, every paragraph of which contains expressly or by implication the word "responsible," and "le fait qui a causé le dommage" is an expression not inapt to cover damage caused by inanimate things as well as by animate persons.

Behind this linguistic criticism lies the structure of the article. Art. 1053 deals with damage caused by the defendant's own *faute*. Art. 1054 takes up another and a wider responsibility, namely for damage otherwise caused, whether by persons or by things. It deals with what may be conveniently called vicarious responsibility and this under three categories: (*a*) persons who know right from wrong, and would therefore be themselves liable also for their own *faute* under art. 1053; for these the defendant answers on the principle of *respondent superior*; (*b*) persons, knowing right from wrong, and therefore personally liable, who though not strictly failing under that principle, impose a vicarious liability on the defendant because they are under his control in one capacity or another; and (*c*) persons who do not know right from wrong, and things, animate or inanimate, for whom the defendant answers on the ground of his control or charge, his being the only responsibility which the law recognises. Paragraphs 2, 3, 4 and 5 are not mere instances of paragraph 1; they include persons incapable of knowing right from wrong, who are therefore outside of the words "the fault of persons under his control." They make a defendant liable,