

Foundations of the law of tort

Butterworths - LAW00053 Notes



Description: -

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Torts -- Great Britain.

Torts -- Great Britain -- Outlines, syllabi, etc. Foundations of the law of tort

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Notes: Includes bibliographical references and index.

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In contrast, when we hold a defendant liable in tort, we say that he committed a wrong—assault, battery, negligence, or the like—and it is in respect of that wrong that he must be made to pay. Prominent among these are i the fact that tort offers a variety of different remedies, only some of which are designed to restore the plaintiff's antecedent holdings, and ii the fact that the defendant incurs a legal duty to pay damages only upon a lawsuit's successful conclusion either by settlement or by the final judgment of a court, rather than immediately upon the breach of a first-order duty. For a loss to be wrongful in the relevant sense, it need not be one for which the wrongdoer is morally to blame.

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. Contemporary philosophy and tort law have enjoyed a happy union at least since the publication of H. But the duty requirement allows injurers to displace at least some of these costs on their victims.

Biblical Foundations of Law Series 2: Torts

It explains why tort law links victim and injurer, since it takes the injurer to have the duty to repair the wrongful losses that he causes. It also invites the thought that the aim or purpose of tort law is to redress those wrongs. An arrest of a suspect by police is not false imprisonment, even if the person arrested later is found to be innocent.

Foundations of Law

We cannot restore the victim of a rape to the position she was in before the wrong, but we can treat her rape as a wrong, and thereby reassert her right not to be raped.

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Part III, includes a pair of chapters exploring precisely that relationship, while Part IV, includes a pair of chapters that questions, respectively, the soundness of the signal tort of negligence and the stability of tort law as a whole.

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