

Tort Law And Social Morality

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Tort Law And Social Morality

Under this theory, tort law asks people to appropriately incorporate the well-being of others into the decisions they make, explains when that duty applies, and explains the scope and limits of that duty.

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Under this theory, tort law asks people to appropriately incorporate the well-being of others into the decisions they make, explains when that duty applies, and explains the scope and limits of that duty. The theory also incorporates a theory of the evolutionary development of social values that people use, and ought to use, in meeting that ...

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Tort Law and Social Morality. Peter M. Gerhart. Cambridge University Press (2010) Abstract This book develops a theory of tort law that integrates deontic and consequential approaches by applying justificational analysis to identify the factors, circumstances, and values that shape tort law. Drawing on Kantian and Rawlsian philosophy, and on ...

Peter M. Gerhart, Tort Law and Social Morality - PhilPapers

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The theory of tort law is now the subject of a sophisticated debate, especially in North America. This chapter tries to unravel some of the questions and to suggest some answers. Keywords: Hart , punishment , justification , criminal process , tort law , deterrence , retribution , reform , denunciation , criminal law

Morality of Tort Law—Questions and Answers - Oxford ...

A tort suit enables the victim of a wrong to seek a remedy from the person who injured her. Unlike a criminal case, which is initiated and managed by the state, a tort suit is prosecuted by the victim or the victim's estate (or survivors). Moreover, a successful tort suit results in a judgment of liability, rather than a sentence of punishment.

Theories of the Common Law of Torts (Stanford Encyclopedia ...

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Civil recourse theory is the view that the most basic principle of the common law of torts is that a person who has been legally wronged by another is entitled to an avenue of recourse against the wrongdoer. In other words, our legal system believes in empowering people to hold others accountable for wronging them.

The Big Idea: Torts are Wrongs - news.law.fordham.edu

This book develops a theory of tort law that integrates deontic and consequential approaches by applying justificational analysis to identify the factors, circumstances, and values that shape tort law. Drawing on Kantian and Rawlsian philosoph

Tort Law and Social Morality - Tort / Personal Injury - Law

They are related to each other in that they both aim at maintaining social order. There is a category of wrongs towards which law and morality react with common hatred. They are offences like murder, rape, arson, robbery, theft, etc. Law and morals powerfully support and greatly intensify each other in this matter.

Criminal Law, Private law and Morality-Distinguished

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