

TORT LAW AND SOCIAL MORALITY

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Tort Law and Social Morality Peter M. Gerhart, 2014-05-14 Develops a theory of tort law integrating deontic and consequential approaches by applying justificational analysis to identify its factors circumstances and values **Tort Law and Social Morality** Peter M. Gerhart, 2010-04-19 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 the insights of game theorist Ken Binmore this book refocuses tort law on a single theory of responsibility that explains and justifies the broad range of tort doctrine and concepts 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 duty and explains how decision making from behind the veil of ignorance allows us to evaluate the is in light of the ought **Contract Law and Social Morality** Peter M. Gerhart, 2021-02-18 When people in a relationship disagree about their obligations to each other they need to rely on a method of reasoning that allows the relationship to flourish while advancing each person's private projects This book presents a method of reasoning that reflects how people reason through disagreements and how courts create doctrine by reasoning about the obligations arising from the relationship Built on the ideal of the other regarding person Contract Law and Social Morality displays a method of reasoning that allows one person to integrate their personal interests with the interests of another determining how divergent interests can be balanced against each other Called values balancing reasoning this methodology makes transparent the values at stake in a disagreement and provides a neutral and objective way to identify and evaluate the trade offs that are required if the relationship is to be sustained or terminated justly

Property Law and Social Morality Peter M. Gerhart, 2014 Property Law and Social Morality develops a theory of property that highlights the social construction of obligations that individuals owe each other By viewing property law through the lens of obligations rather than through the lens of rights the author affirms the existence of important property rights when no obligation to another exists and defines the scope of those rights when an obligation to another does exist By describing the scope of the decisions that individuals are permitted to make and the requirements of other regarding decisions the author develops a single theory to explain the dynamics of private and common property including exclusion nuisance shared decision making and decision making over time The development of social recognition norms adds to our understanding of property evolution and the principle of equal freedom underlying social recognition that limit government interference with property rights Property Law and Social Morality Peter M. Gerhart, 2013-12-26 Property Law and Social Morality develops a theory of property that highlights the social construction of obligations that individuals owe each other By viewing property law through the lens of obligations rather than through the lens of rights the author affirms the existence of

important property rights when no obligation to another exists and defines the scope of those rights when an obligation to another does exist By describing the scope of the decisions that individuals are permitted to make and the requirements of other regarding decisions the author develops a single theory to explain the dynamics of private and common property including exclusion nuisance shared decision making and decision making over time The development of social recognition norms adds to our understanding of property evolution and the principle of equal freedom underlying social recognition that limit government interference with property rights

Key Ideas in Tort Law Peter Cane, 2017-08-10 This book offers nine key ideas about tort law that will help the reader to understand its various social functions and evaluate its effectiveness in performing those functions The book focuses in particular on how tort law can guide people s behaviour and the political and social environments within which it operates It also provides the reader with a wealth of detail about the ideas and values that underlie tort doctrine tort law s rules and principles and the way those rules and principles operate in practice The book is an accessible introduction to tort law that will provide students scholars and practitioners alike with a fresh and engaging view of the subject In this masterful and engaging survey Peter Cane provides an array of illuminating perspectives on the law of torts laying bare its nature structure and functions as well as its legal social and political context Andrew Robertson Professor of Law Melbourne Law School

The Anatomy of Tort Law Peter Cane, 1997-06-19 Accessible yet theoretically stimulating analysis which depicts tort law as a system of ethical rules and principles of personal responsibility

Morality, Rationality and Efficiency Richard M. Coughlin, 2016-09-16 The papers in this collection were selected from nearly 200 that were presented at the 50 sessions of the second annual International Conference on Socio Economics held at The George Washington University in Washington D C March 1990 They reflect the great interest that socio economics has inspired in the few years since the Society for the Advancement of Socio Economics was founded in 1989 The papers represent the stimulating dialogue among psychologists sociologists political scientists philosophers economists and students of finance and business administration The authors are communicating across the frontiers of established disciplines to address enduring questions on economic theory and policy and they aim to liberate the study of economics from the straitjacket of the neoclassical approach

A Communitarian Theory of WTO Law Chios Carmody, 2023-12-21 Since 1995 there has been intense debate about whether the WTO Agreement is just Many observers point to the association of the treaty with intensive interdependence and the disruptive effects of globalization to assert that it is unjust Nevertheless justice in sovereign terms is different from justice in human terms This book puts forward a theory of WTO law to explain the difference and its implications for the international trading system It details how economic interdependence gives rise to an interdependent view of the relationship between different forms of justice and to interdependent obligations in WTO law It also suggests how the WTO dispute settlement system might have a residual value as a locus for transformative outcomes despite contemporary concerns about the system s political acceptability Taken together such insights may assist in identifying elements of a

general theory of law Legal Reasoning Melvin A. Eisenberg, 2022-09-29 The common law which is made by courts consists of rules that govern relations between individuals such as torts the law of private wrongs and contracts Legal Reasoning explains and analyzes the modes of reasoning utilized by the courts in making and applying common law rules These modes include reasoning from binding precedents prior cases that are binding on the deciding court reasoning from authoritative although not binding sources such as leading treatises reasoning from analogy reasoning from propositions of morality policy and experience making exceptions drawing distinctions and overruling The book further examines and explains the roles of logic deduction and good judgment in legal reasoning With accessible prose and full descriptions of illustrative cases this book is a valuable resource for anyone who wishes to get a hands on grasp of legal reasoning

Decoding **Tort Law And Social Morality**: Revealing the Captivating Potential of Verbal Expression

In a period characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its ability to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Tort Law And Social Morality**," a mesmerizing literary creation penned by a celebrated wordsmith, readers set about an enlightening odyssey, unraveling the intricate significance of language and its enduring impact on our lives. In this appraisal, we shall explore the book's central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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