Philosophy and the Law of Torts

When accidents occur and people suffer injuries, who ought to bear the loss? Tort law offers a complex set of rules to answer this question, but until now philosophers have offered little by way of analysis of these rules.

In eight essays commissioned for this volume, leading legal theorists examine the philosophical foundations of tort law. Among the questions they address are the following: How are the notions at the core of tort practice (such as responsibility, fault, negligence, due care, and duty to repair) to be understood? Is an explanation based on a conception of justice feasible? How are concerns of distributive and corrective justice related? What amounts to an adequate explanation of tort law?

This collection will be of interest to professionals and advanced students working in philosophy of law, social theory, political theory, and law, as well as anyone seeking a better understanding of tort law.

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Philosophy and the Law of Torts

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