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0521392160 - Liability and Responsibility: Essays in Law and Morals

Edited by R. G. Frey and Christopher W. Morris

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This collection of contemporary essays by a group of well-known philosophers and legal theorists covers various topics in the philosophy of law, focusing on issues concerning liability in contract, tort, and criminal law. The book is divided into four sections. The first is a conceptual overview of the issues at stake in a philosophical discussion of liability and responsibility. The second, third, and fourth sections present, in turn, more detailed explorations of the roles of notions of liability and responsibility in contracts, torts, and punishment.

The collection not only presents some of the most challenging work being done in legal philosophy today, it also demonstrates the interdisciplinary character of the field of philosophy of law, with contributors taking into account recent developments in economics, political science, and rational choice theory. This thought-provoking volume will help to shed light on the under-explored ground that lies between law and morals.

This volume will prove of great interest to philosophers of law, moral philosophers, political philosophers, and legal theorists.

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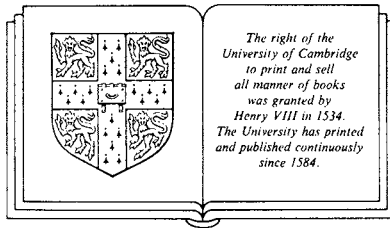
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Liability and responsibility

Essays in law and morals

Edited by

R.G. FREY and CHRISTOPHER W. MORRIS
BOWLING GREEN STATE UNIVERSITY



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Preface

This volume of essays is based upon a conference on liability and responsibility sponsored by the Department of Philosophy of Bowling Green State University in 1988. Other invited essays have been added.

Our aims in holding a conference on the theme of liability and responsibility in law and morals were twofold. First, we hoped that our participants, from different viewpoints and with different emphases, would be able to shed light on this most troublesome area of interconnection between law and morals. The whole concept of responsibility in morals is a difficult one, and problems there seep into and infect the discussion of liability in law. In order to avoid a scattering of essays upon all sorts of issues to do with responsibility and so to focus our considerations, we decided to concentrate upon four areas. One, of course, had to be conceptual in character, even though all contributors could be expected in part to be attempting conceptual clarification; the remaining three areas – contract, torts, and punishment – we chose because some of the most interesting work being done in legal philosophy today occurs there.

Our second aim in holding our conference, and in inviting additional contributions, was to show the interdisciplinary character of much of the work in our four areas of concentration. No longer is it true that moral philosophers and legal theorists generally go about their business in ignorance of work done in economics, political science, and rational choice theory, and we hoped that our participants and contributors

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would make this manifest in their discussions. This is not to disparage conceptual analysis, which remains the centrally important tool of the philosopher; it is simply to acknowledge that application and analysis no longer remain apart, assigned to different disciplines, with different standards of argumentation and rigor.

A great many people helped us in holding our conference and preparing this volume, especially among the graduate students, staff, and faculty of the Department of Philosophy at Bowling Green, and we are grateful to them all. Our series editor, Jules Coleman, deserves special mention for his constant advice and encouragement. Our Cambridge editor, Terence Moore, proved particularly forthcoming and helpful.

Bowling Green, Ohio

R.G.F.
C.W.M.

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