

## The Intersection Of Tort And Environmental Law Where The

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### MARIANA MATHEWS

**Atiyah's Accidents, Compensation and the Law** Aspen Publishing

What effects do laws have? Do individuals drive more cautiously, clear ice from sidewalks more diligently, and commit fewer crimes because of the threat of legal sanctions? Do corporations pollute less, market safer products, and obey contracts to avoid suit? And given the effects of laws, which are socially best? Such questions about the influence and desirability of laws have been investigated by legal scholars and economists in a new, rigorous, and systematic manner since the 1970s. Their approach, which is called economic, is widely considered to be intellectually compelling and to have revolutionized thinking about the law. In this book Steven Shavell provides an in-depth analysis and synthesis of the economic approach to the building blocks of our legal system, namely, property law, tort law, contract law, and criminal law. He also examines the litigation process as well as welfare economics and morality. Aimed at a broad audience, this book requires neither a legal background nor technical economics or mathematics to understand it. Because of its breadth, analytical clarity, and general accessibility, it is likely to serve as a definitive work in the economic analysis of law.

**Feminist Judgments: Rewritten Tort Opinions** NYU Press

Tackling the ugly secret of unconscious racism in American society, this book provides specific solutions to counter this entrenched phenomenon.

**Causation in European Tort Law** NYU Press

Annotation Legal Blame sheds new light on how jurors try to do justice in the wake of accidents and reveals much about the overall psychology of jury decision making. Neal Feigenson, a professor of law, offers an illuminating framework for how jurors use their common sense, together with the law and the facts, to produce what the author refers to as "total justice." This book will appeal to lawyers, expert witnesses, practicing students, and academics, as well as anyone who is interested in learning about the psychology of legal persuasion.

**The Borderlines of Tort Law** Ingram

The Fourth Edition of this unique casebook has been dramatically revised. This new edition presents the important cases, statutes, empirical data, and competing tort theories in a problems-oriented format that is designed to help students acquire a sophisticated understanding of tort law through active learning. As before, the text includes a large number of problems. Now, however, the Problems, updated and considerably expanded, are organized in Sets at the end of each substantive chapter. This extensively re-written and reorganized edition includes the classic common law torts cases, but is updated throughout with teachable, cutting-edge decisions that will demand student interest and hold their attention. Particular care has been to take account of the most recent commentaries on tort law, such as the growing importance of the Restatement (Third) of Torts. Chapter One is unique among American torts casebooks in its examination of how the dominant twenty-first century tort theories influence judicial decisionmaking

and scholarship. That chapter explains six key perspectives on tort law: Law and Economics; Corrective Justice; Critical Race Theory; Critical Feminism; Pragmatism; and Social Justice Chapter One references the famous McDonald's hot coffee litigation as a case study to illustrate these perspectives in action. Subsequent chapters continue to work through that case study and continually reference the perspectives to explain or challenge the decided cases. The authors seek to provide students with innovative cases and problems, empowering them with practical skills. By exposing students to the most important contemporary tort law theories, the Fourth Edition of this casebook encourages students to go beyond passively memorizing case holdings and the voyeuristic experience of reading appellate opinions and truly gain perspectives on tort law. This book also is available in a three-hole punched, alternative loose-leaf version printed on 8.5 x 11 inch paper with wider margins and with the same pagination as the hardbound book.

*Negligence Purpose, Elements, and Evidence* Bloomsbury Publishing

In this timely book, Norman Finkel looks at the relationship between the "law on the books," as set down in the Constitution and developed in cases and decisions, and what he calls "commonsense justice": the ordinary citizen's notions of what is just and fair.

*The Right of Publicity* Edward Elgar Publishing

Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides ready access to how the legal dimension of prevention against harm and loss allocation is treated in Ireland. This traditional branch of law not only

*Transboundary Pollution* Bloomsbury Publishing

The beginning of the decline -- Characterising harm -- Loss of autonomy? -- Defining the problem -- Notes -- Injured bodies -- Natural born reproducers -- Wrongful pregnancy as a personal injury -- Orthodox injuries -- Harmed minds, harmed bodies -- Paradigm shifts -- Conclusion -- Notes -- Health, disability and harm -- Emerging dichotomies -- The disability exception -- Parental autonomy -- The importance of context -- Rees in the House of Lords -- Conclusion : what kind of autonomy? -- Notes -- The harm paradox -- The mitigation ethic -- Mitigation is dead -- Long live choice -- My family and other animals -- Conclusion : a harm paradox? -- Notes -- Constructions of the reasonable woman -- On being responsible -- Responsible women -- Self-regarding woman : still a choice -- Natural woman : she had no other choice -- The woman in need -- Conclusion : not a choice? -- Notes -- Reproductive choice, reproductive reality -- A (wo)man's right to choose -- Reversing nature's discrimination -- In practice abortion is not a choice -- Women do not experience abortion as a choice -- Women are conforming, not choosing -- Conclusion -- Notes -- The moral domain of autonomy -- What kind of person? -- Beyond personhood -- A relational approach -- Being responsible beings -- Concluding remarks.

*Tort Theory* Wentworth Press

""This book asks important questions about the tort system. Tort law is largely taught and described from a doctrinal perspective that makes no attempt to see how it is actually working on the ground. This book assesses how the tort system fares in operation by examining how race and gender influence court decisions in torts cases. A promising direction for scholarship on the tort system.""--BOOK JACKET.

*Foundations of Economic Analysis of Law* Captus Press

AI is poised to disrupt our work and our lives. We can harness these technologies rather than fall captive to them—but only through wise regulation. Too many CEOs tell a simple story about the future of work: if a machine can do what you do, your job will be automated. They envision everyone from doctors to soldiers rendered superfluous by ever-more-powerful AI. They offer stark alternatives: make robots or be replaced by them. Another story is possible. In virtually every walk of life, robotic systems can make labor more valuable, not less. Frank Pasquale tells the story of nurses, teachers, designers, and others who partner with technologists, rather than meekly serving as data sources for their computerized replacements. This cooperation reveals the kind of technological advance that could bring us all better health care, education, and more, while maintaining meaningful work. These partnerships also show how law and regulation can promote prosperity for all, rather than a zero-sum race of humans against machines. How far should AI be entrusted to assume tasks once performed by humans? What is gained and lost when it does? What is the optimal mix of robotic and human interaction? New Laws of Robotics makes the case that policymakers must not allow corporations or engineers to answer these questions alone. The kind of automation we get—and who it benefits—will depend on myriad small decisions about how to develop AI. Pasquale proposes ways to democratize that decision making, rather than centralize it in unaccountable firms. Sober yet optimistic, New Laws of Robotics offers an inspiring vision of technological progress, in which human capacities and expertise are the irreplaceable center of an inclusive economy.

*Tort Law* OUP Oxford

This book first addresses substantive issues, beginning with the changing role of business torts in antitrust litigation and continuing with the extent to which antitrust concepts have been invoked in business tort litigation (focusing on the competitive privilege and the Noerr-Pennington defense). The next chapter surveys the field of unfair competition, followed by an examination of the business torts of commercial disparagement and defamation. Subsequent chapters address interference torts, the common law and statutory torts of fraud and negligent misrepresentation, the field of misappropriation of trade secrets, and recent developments in the area of punitive damages.

*Torts!*, third edition Harvard University Press

This book focuses on how public and private international law address civil liability for transboundary pollution. In public international law, civil liability treaties promote the implementation of minimum procedural standards in domestic tort law. This approach implicitly relies on private international law to facilitate civil litigation against transboundary polluters. Yet this connection remains poorly understood. Filling the gap, this book engages in a meaningful dialogue between the two areas and explores how domestic private international law can reflect the policies developed in international environmental law. It begins with an investigation of civil liability in international environmental law. It then identifies preferable rules of civil jurisdiction, foreign judgments and choice of law for environmental damage, using Canadian private international law as a case study and making extensive references to European law. Liability for transboundary pollution is a contentious issue of the law, both in scholarship and practice: international lawyers both private and public as well as environmental lawyers will welcome this important work.

*The Rationale of Punishment* Cambridge University Press

A classic treatment of the law relating to compensation for personal injuries, this edition discusses the relevant legal rules as well as the social,

political and economic issues underlying the law.

*Corrective Justice* Cambridge University Press

The 2nd edition of Green and Gardner's Tort Law textbook provides students with a clear overview of tort law with focus and precision. It includes clear explanations of core legal principles and recent legal developments with lively discussions of key academic perspectives. Extended problem questions, flowcharts and relatable examples help students to understand how law works in a practical context and prepares them for success in assignments and exams. Engaging pedagogical features, such as 'Viewpoint' and 'Making Connections', encourage students to develop their own critical thinking practice and appreciate how tort law interacts with other areas of the core law curriculum. Practical and student-friendly with engaging visual features, Tort Law is an essential companion for all undergraduate tort law modules, for students of all abilities. Accompanying online resources for this title can be found at bloomsbury.pub/tort-law-2e. These resources are designed to support teaching and learning when using this textbook and are available at no extra cost.

*Tort Law in Ireland* Harvard University Press

Winner of the 2018 Inner Temple New Authors Book Prize and the 2016 SLS Peter Birks Prize for Outstanding Legal Scholarship. Damages and Human Rights is a major work on awards of damages for violations of human rights that will be of compelling interest to practitioners, judges and academics alike. Damages for breaches of human rights is emerging as an important and practically significant field of law, yet the rules and principles governing such awards and their theoretical foundations remain underexplored, while courts continue to struggle to articulate a coherent law of human rights damages. The book's focus is English law, but it draws heavily on comparative material from a range of common law jurisdictions, as well as the jurisprudence of international courts. The current law on when damages can be obtained and how they are assessed is set out in detail and analysed comprehensively. The theoretical foundations of human rights damages are examined with a view to enhancing our understanding of the remedy and resolving the currently troubled state of human rights damages jurisprudence. The book argues that in awarding damages in human rights cases the courts should adopt a vindicatory approach, modelled on those rules and principles applied in tort cases when basic rights are violated. Other approaches are considered in detail, including the current 'mirror' approach which ties the domestic approach to damages to the European Court of Human Rights' approach to monetary compensation; an interest-balancing approach where the damages are dependent on a judicial balancing of individual and public interests; and approaches drawn from the law of state liability in EU law and United States constitutional law. The analysis has important implications for our understanding of fundamental issues including the interrelationship between public law and private law, the theoretical and conceptual foundations of human rights law and the law of torts, the nature and functions of the damages remedy, the connection between rights and remedies, the intersection of domestic and international law, and the impact of damages liability on public funds and public administration. The book was the winner of the 2016 SLS Peter Birks Prize for Outstanding Legal Scholarship and the 2018 Inner Temple New Authors Book Prize.

*Tort Law* Intersentia nv

This volume explores how differences between tort and contract affect the foundations of liability, the nature and amount of the compensation, the extent of liability and whether defences and limitation periods corresponding to the distinct causes of action give rise to substantially different outcomes.

*The Economic Structure of Tort Law* Oxford University Press

Over the last 15 years, privacy actions have been recognised at common law or in equity across common law jurisdictions, and statutory privacy protections have proliferated. Apex courts are now being called upon to articulate the law governing remedies, including in high-profile litigation concerning phone hacking, covert filming and release of personal information. Yet despite the practical significance of the courts' approach to damages, injunctions and other remedies for breach of privacy, very little has been written on the topic. This book comprehensively analyses these developments from a comparative perspective and provides solutions to issues which are coming to light as higher courts forge this remedial jurisprudence and practitioners look for guidance. Significantly, the essays are important not only for what they say about remedies, but also for the attention they give to the nature of the new privacy actions, providing deep insights into substantive law. The book includes contributions by academics, practitioners and judges from Australia, Canada, England, New Zealand and the United States, who are expert in the legal disciplines implicated by privacy remedies, including torts, equity, public law and conflict of laws. By bringing together this range of perspectives, the book offers authoritative insights into this cutting-edge topic. It will be essential reading for all those seeking to understand and resolve the new issues associated with privacy remedies.

*The Psychology of Tort Law* Oxford University Press

This book offers a rich insight into the law of torts and cognate fields, and will be of broad interest to those working in legal and moral philosophy. It has contributions from all over the world and represents the state-of-the art in tort theory.

*The Reasonable Robot* Cambridge University Press

This important new book provides a comprehensive overview of the international legal principles governing transboundary pollution. In doing so, the experts writing in this book examine the practical applications of the State responsibility doctrine in

*Remedies for Breach of Privacy* NYU Press

This book takes an original and comparative approach to issues of causation in tort law across many European legal systems.

**Liability for Transboundary Pollution at the Intersection of Public and Private International Law** MIT Press

This revised second edition of Comparative Tort Law: Global Perspectives offers an updated and enriched framework for analysing and understanding the current state of tort law around the world. Using a critical comparative methodology, it covers not only the common tort law issues but also many jurisdictions often overlooked in the mainstream literature. Contributions explore illuminating case studies from tort systems in Europe, the US, Latin America, Asia and sub-Saharan Africa, including new chapters specifically discussing tort law in Brazil, India and Russia.