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E2E - DANIELA SOLIS

This anthology is a two-volume work that focuses on our relationship with the Earth and our future, examining the crossover between psychology and environmental studies in the emerging fields of ecopsychology and environmental psychology. Addresses the "hot topic" of today: how psychology and environmental studies intersect in the fields of ecopsychology and environmental psychology Presents a breadth of perspectives from authors with various fields of expertise, from scientists to interventionists, conquerors to caretakers, political leaders to grassroots activists—all of whom are needed to effect change Utilizes the knowledge of contributors from the fields of psychology, science, humanitarianism, environmental studies, business, United Nations, law, and policy-making Addresses the facts, feelings, needs, and possibilities that must be considered when planning for the future since the psychology of environmental messaging is just as important as its geology Offers a range of solutions—based on research and real implementations of programs around the world—for preserving our planet and caring for our environment This dissertation is at the intersection of tort law, civil procedure, international law and professional responsibility, exploring mechanisms that provide monetary compensation for victims in asymmetric conflicts, by which I mean conflicts between belligerents whose relative military power or strategy differ significantly. There is currently a dearth of empirical knowledge on the workings of conflict-related compensation mechanisms. To begin closing this gap, this dissertation provides an on-the-ground account of the role tort law plays in one asymmetric conflict, using the politically-charged tort litigation of the Israeli-Palestinian Conflict as a case study. In Israel, a court-based system enables Palestinian residents of the West Bank

and—until recently—the Gaza Strip to bring individual claims for damages before Israeli civil courts for injuries caused by Israeli security forces' actions ("the Claims"). Through this case study, which has not been explored to date, I conceptualize the function of tort litigation in the conflict from three angles, each constituting a separate paper. The research builds primarily on 55 in-depth, semi-structured interviews I conducted with the various types of lawyers involved in the Claims, as well as other key stakeholders such as plaintiffs, retired judges, and representatives of human rights organizations. In addition, I performed a content analysis of 300 court decisions, a census of the decisions rendered at first instance in the Claims between 1975 and 2015, coding for the lawyers involved in the Claims and their affiliation. Finally, I rely on several secondary sources, including Israel's Civil Tort Act (Liability of the State) and its various amendments, Parliament protocols, news articles on Claims, NGO reports, and information from Israeli Ministry of Defense Freedom of Information Act (FOIA) requests. The first paper, entitled: "Money for Justice: Plaintiffs' Lawyers and Social Justice Tort Litigation," focuses on the impact of plaintiff-side lawyers on the use of tort litigation in the Israeli-Palestinian Conflict. Through the conceptual framework of cause lawyering as developed by Sarat, Scheingold, McCann, Erichson, and others, I offer insight into the characteristics, practices and motivations of lawyers who operate in this field. In the context of the case study, I expose how profit-oriented plaintiffs' lawyers stepped into a void left by Israeli human rights organizations. While these private lawyers, whom I call "de facto" cause lawyers, have notched achievements on the individual client level, their involvement has shaped the litigation as a stream of particularized claims rather than a systematic struggle for social change. It also inadver-

tently—and ironically—supported the State's legislative initiatives to discourage anti-government tort claims. Through this analysis, I show that categorizing lawyers as cause lawyers matters for our conceptualization of where social change comes from. I also demonstrate the impact for-profit lawyers had on the capacity of tort litigation to induce change in the context of the case study. The second paper, entitled: "Access Denied -- Using Procedure to Restrict Tort Litigation: the Israeli-Palestinian Experience," looks at the role of the injuring state in conflict-related tort litigation, particularly the use of procedure to curtail politically-charged tort lawsuits and limit claimants' access to civil justice. I show how starting in the early 2000s, Israel began using a host of procedural obstacles to restrict Palestinians' access to its civil courts, effectively precluding their ability to bring claims arising from Israeli military actions. I then use the lens of the literature on procedural justice and access to justice, as well as Atuahene's framework of dignity taking and dignity restoration, to argue that while the use of procedure to encroach on an injured person's right to compensation may be considered a taking of property, such an analysis overlooks a key component of the harm. Procedural restrictions that block access to the courts also deny Palestinians of their right to participate in the litigation process, which provides benefits such as accountability, transparency, and recognition. These benefits, I argue, are particularly important when it comes to plaintiffs from vulnerable, disadvantaged groups. The third paper, entitled: "Collateral Damages: Domestic Monetary Compensation for Civilians in Asymmetric Conflict," builds on the first two papers to provide a more holistic view of the function tort law may assume in asymmetric conflicts. I offer an analysis of the institutional design of domestic compensation mechanisms in such

conflicts, comparing the compensation paradigm applied in Israel to the model implemented by the U.S. in Iraq and Afghanistan—a military-run program governed by the Foreign Claims Act and condolence payments. I draw on tort theory, social psychology literature, and socio-legal studies and utilize, in addition to the data described above, data from legislative materials, NGO reports, and Freedom of Information Act requests pertaining to the American compensation regime. Through these sources, and by comparing the two models, I suggest that—alongside providing adequate compensation—addressing both government accountability and victims' needs is crucial for designing programs to effectively address the harm modern-day conflict causes to civilians. I subsequently offer concrete guidelines for policy-makers designing such programs, to help shape a more just compensation regime in asymmetric conflicts. By exploring the unique Israeli-Palestinian experience in this context, this dissertation both promotes a deeper understanding of the role tort litigation plays in the Israeli-Palestinian Conflict itself and suggests broader lessons to be learned from this case study towards coming up with better accountability and compensation regimes in other asymmetric conflict settings.

TORTS IN COMMERCIAL LAW guides practitioners through a complex, difficult and controversial area of the law, offering a resource illuminating the many particular and difficult issues at this intersection. The third volume in a compelling "commercial law library", accompanying *Equity in Commercial Law* and *Unjust Enrichment in Commercial Law*, this new book will be turned to frequently. Based on the papers presented at the international conference, "Torts in Commercial Law 2010", this book brings together in one volume a series of chapters from a team of prestigious contributors analysing the interaction of common law and equity in commercial law. Its unique strength is its sustained examination and the conceptual unity that it brings to the subject matter. The world's leading experts - practitioners, judges and academics - provide unique commentary in this key area of the law. Contents Introduction Part I: General Themes and Directions Part II: Economic Torts and Economic Loss Part III: Insurance and the State Part IV: Causation, Damages and Defences Contributors include The Hon Justice James Allsop, Associate Professor Kit Barker, Professor Andrew Burrows QC FBA, Associate Professor Simone Degeling, Dr Simon Douglas, The Hon Justice James Edelman, The Hon Chief Justice Robert French AC, Professor Mark Gergen, Dr James Goudkamp, The

Hon Sir Grant Hammond KNZM, The Rt Hon Lord Hoffmann PC, Professor Lewis Klar, Professor Barbara McDonald, Associate Professor Jason Neyers, Professor Jane Stapleton, Professor Robert Stevens, Professor Jenny Steele, Mr William Swadling, Professor Stephen Todd and Professor Prue Vines.

By rewriting both canonical and lesser-known tort cases from a feminist perspective, this volume exposes gender and racial bias in how courts have categorized and evaluated harm stemming from prenatal malpractice, pregnancy loss, domestic violence, sexual assault and harassment, invasion of privacy, and the award of economic and non-economic damages. The rewritten opinions demonstrate that when confronted with gendered harm to women, courts have often distorted or misapplied conventional legal doctrine to diminish the harm or deny recovery. Bringing this implicit bias to the surface can make law students, and lawyers and judges who craft arguments and apply tort doctrines, more aware of inequalities of race, gender, class, and sexual orientation or identity. This volume shows the way forward to make the basic doctrines of tort law more responsive to the needs and perspectives of traditionally marginalized people, in ways that give greater value to harms that they disproportionately experience.

There are three basic institutional systems for governing the exchange of property. One is consensual: the exchange of property rights in ordinary markets. The other two, however, are nonconsensual: the involuntary exchange of entitlements in either civil or criminal liability cases. In *The Exchange Order*, Richard Adelstein argues that while markets, torts, and criminal justice are ostensibly different constellations of institutions, organizations and individuals, they are remarkably alike. Each governs a particular kind of exchange through a distinctive set of institutions, rules and procedures. They have all evolved over many centuries from the same root, a deep-seated human propensity to communicate with others through trade, to exchange goods for goods and costs for costs as a means of reconciling opposing interests and increasing personal welfare. They perform the same social function, facilitating individually efficient exchanges of rights and compensatory prices, in very different exchange environments that demand very different institutional responses to the problem all three are in place to solve: identifying efficient transfers and seeing that they are completed. *The Exchange Order* provides a sweeping his-

torical, comparative, and philosophical analysis of how rights and objects, goods and harms, are exchanged in these apparently very different realms. What unites them is a core norm: take only what you can pay for, and pay for everything you take. In markets free exchange is governed by prices and the willingness to sell or buy. Tort and criminal law apply when consensual exchange is violated. The violation is the non-consensual seizure of entitlements and the payment is a liability price on the taker that compensates the victim for the costs imposed by the taking. Tit for tat, an eye for an eye, is the principle of exchange that unites markets, tort and crime.

This book explores contemporary issues in respect of causes of action which operate to protect a plaintiff's economic interests. It examines the question from across the spectrum of private law. Focusing mainly on common law principles, it looks in particular at the treatment of such causes of action in the United Kingdom, Australia, Canada, Singapore as well as other common law jurisdictions. Addressing both theoretical and doctrinal issues, this important book will appeal to both private law scholars and practitioners.

Taking a case approach, this proven book provides an accessible overview of tort law for paralegals who work on personal injury matters. Hypothetical scenarios in every chapter demonstrate how abstract tort law pertains to real life accidents and injuries. In addition, over 75 annotated cases featuring hot button issues give readers an opportunity to apply key concepts to the types of cases they will encounter on the job. Built-in learning aids include problems, projects, a running glossary of legal terms, outlines, chapter summaries, and review questions. Now fully updated throughout, the Fifth Edition includes a new chapter on negligence, new content, and new chapter-opening features titled *The Biggest Mistakes Paralegals Make and How to Avoid Them*. Each of these unique vignettes illustrates a dilemma, an ethical lapse, or another unfortunate experience that actually happened. Important Notice: Media content referenced within the product description or the product text may not be available in the ebook version.

This title was first published in 2001: Welfare law is a legal field integral to most jurisprudential formulations, whether artificially designated as doctrinal, theoretical or practical. At its core, legal discourse regarding welfare challenges the formulations traditionally viewed as 'pre-legal', the 'background rules' of property, tort and contract law. In addition, it affects a

large percentage of the world's population, highlights the social construction of identities and perhaps more than any other area of law, graphically epitomizes the intersection of class, race and gender distinctions. However, within both the legal academy and practice, welfare law has been marginalized and viewed as a field that does not connect to any but a small sector of lawyers and legal clients. Isolated as an arcane domain of either statutory and regulatory legal minutiae or jurisprudential insignificance, welfare law has never realized its potential as a major hub for legal theoretical discourse. The articles in this volume seek to expose the roots of the essentialized view of welfare law as non-essential and re-establish its value and importance.

This practical guide discusses the specific intersection of the laws of tort and contract with financial services and where this gives rise to claims against financial institutions and professionals.

Civil wrongs occupy a significant place in private law. They are particularly prominent in tort law, but equally have a place in contract law, property and intellectual property law, unjust enrichment, fiduciary law, and in equity more broadly. Civil wrongs are also a preoccupation of leading general theories of private law, including corrective justice and civil recourse theories. According to these and other theories, the centrality of civil wrongs to civil liability shows that private law is fundamentally concerned with the expression and enforcement of norms of justice appropriate to interpersonal interaction and association. Others, sounding notes of caution or criticism, argue that a preoccupation with wrongs and remedies has meant neglect of other ways in which private law serves justice, and ways in which private law serves values other than justice. This volume comprises original papers written by a wide variety of legal theorists and philosophers exploring the nature of civil wrongs, their place in private law, and their relationship to other forms of wrongdoing.

Iowa Counties have been experiencing significant tort claim liability due to the signing of local roads. One such problem is relative to the real or alleged need for signing at uncontrolled intersections of local roads. It has been assumed that the standard CROSS ROAD sign, which calls for a yellow diamond with a black cross, was sufficient to provide the necessary warning that a driver may be approaching an intersection which requires special precautionary driving attention. However, it is possible that this sign on a through highway

might conflict with the legal status of the local county road. In light of this situation, it seemed worthwhile to know the extent to which uncontrolled local road intersections were perceived as a potential liability problem; the degree to which the standard CROSS ROAD sign communicated to the driver the message a county engineer wanted at these local road intersections; and whether there were any better signing alternatives available to communicate this hazard to the driver in this situation.

A law school casebook that maps the progression of the law of torts through the language and example of public judicial decisions in a range of cases. A tort is a wrong that a court is prepared to recognize, usually in the form of ordering the transfer of money ("damages") from the wrongdoer to the wronged. The tort system offers recourse for people aggrieved and harmed by the actions of others. By filing a lawsuit, private citizens can demand the attention of alleged wrongdoers to account for what they've done—and of a judge and jury to weigh the claims and set terms of compensation. This book, which can be used as a primary text for a first-year law school torts course, maps the progression of the law of torts through the language and example of public judicial decisions in a range of cases. Taken together, these cases show differing approaches to the problems of defining legal harm and applying those definitions to a messy world. The cases range from alleged assault and battery by "The Schoolboy Kicker" (1891) to the liability of General Motors for "The Crumpling Toe Plate" (1993). Each case is an artifact of its time; students can compare the judges' societal perceptions and moral compasses to those of the current era. This book is part of the Open Casebook series from Harvard Law School Library and MIT Press.

Illinois Governmental Tort and Section 1983 Civil Rights Liability is the only publication on the market that takes a comprehensive look at the tort liability of local governmental entities in Illinois, and the defenses available to them. This is an essential resource for any practitioner involved in litigation concerning a local governmental entity in Illinois, whether it's a police department, a school district, a sanitation department, or some other similar entity. It includes analysis of the Illinois Local Tort Immunity Act, the Public Defender and Appellate Defender Immunity Act, the Good Samaritan Act, absolute immunity for prosecutors and judges, liability for police, fire, and EMS services, medical liability, and a local governmental entity's immunity for discretionary activities. Besides attorneys,

this is an essential resource for risk managers of all governmental entities in Illinois. Completely revised, reorganized, and redesigned in 2009, this edition of the publication also emphasizes the increasing volume and significance of governmental tort liability in the context of civil rights actions brought under Section 1983.

Law relies on a conception of human agency, the idea that humans are capable of making their own choices and are morally responsible for the consequences. But what if that is not the case? Over the past half century, the story of the law has been one of increased acuity concerning the human condition, especially the workings of the brain. The law already considers select cognitive realities in evaluating questions of agency and responsibility, such as age, sanity, and emotional distress. As new neuroscientific research comprehensively calls into question the very idea of free will, how should the law respond to this revised understanding? Peter A. Alces considers where and how the law currently fails to appreciate the neuroscientific revelation that humans may in key ways lack normative free will—and therefore moral responsibility. The most accessible setting in which to consider the potential impact of neuroscience is criminal law, as certain aspects of criminal law already reveal the naiveté of most normative reasoning, such as the inconsistent treatment of people with equally disadvantageous cognitive deficits, whether congenital or acquired. But tort and contract law also assume a flawed conception of human agency and responsibility. Alces reveals the internal contradictions of extant legal doctrine and concludes by considering what would be involved in constructing novel legal regimes based on emerging neuroscientific insights.

This innovative text combines clear explanations with a wealth of infographics that visually compare, contrast, and reinforce legal concepts. Examples and case excerpts focus attention on how the law is being applied and the logic behind each ruling. Key Benefits: Logical reasoning and infographics—flowcharts, timelines, figures, and graphs – help students understand on the logical underpinnings of the law as it applies to business. Examples throughout that reinforce understanding and show how the law is applied in practice. Carefully edited excerpts of real cases. Self-test review and exam-prep questions.

Advances in Environment Research and Application / 2012 Edition is a ScholarlyEditions™ eBook that delivers timely, authoritative, and comprehensive information about Environment. The editors have built

Advances in Environment Research and Application / 2012 Edition on the vast information databases of ScholarlyNews.™ You can expect the information about Environment in this eBook to be deeper than what you can access anywhere else, as well as consistently reliable, authoritative, informed, and relevant. The content of Advances in Environment Research and Application / 2012 Edition has been produced by the world's leading scientists, engineers, analysts, research institutions, and companies. All of the content is from peer-reviewed sources, and all of it is written, assembled, and edited by the editors at ScholarlyEditions™ and available exclusively from us. You now have a source you can cite with authority, confidence, and credibility. More information is available at <http://www.ScholarlyEditions.com/>.

This first volume of an exciting annual series presents important new developments in the psychology behind issues in the law and its applications. Psychological theory is used to explore why many current legal policies and procedures can be ineffective or counterproductive, with special emphasis on new findings on how witnesses, jurors, and suspects may be influenced, sometimes leading to injustice. Expert scholars make recommendations for improvements, suggesting both future directions for research inquiries on topics and needed policy changes. Topics included in this initial offering have rarely been considered in such an in-depth fashion or are in need of serious re-thinking: Interrogation of minority suspects: pathways to true and false confessions. A comprehensive evaluation of showups. The weapon focus effect for person identifications and descriptions. The psychology of criminal jury instructions. Structured risk assessment and legal decision making. Children's participation in legal proceedings: stress, coping, and consequences. Sex offender policy and prevention. The psychology of tort law. Demonstrating the scope and rigor that will characterize the series, Volume 1 of Advances in Psychology and Law will interest psychology and legal experts as well as practicing psychologists, and will inspire fresh thinking as the two fields continue to interact.

Principally authored by the late James A. Henderson, Jr., and now led by Douglas A. Kysar of Yale Law School, The Torts Process has for fifty years now has given law students a clear, engaging, and sophisticated treatment of the law of torts. The Torts Process uses a student-friendly, procedurally-focused approach that relies on proven problem-and-cases pedagogy to illuminate the overarching structure and organization of tort law. Its lively mix of

problems, cases, notes, and questions stimulate thought and discussion, while providing a firm foundation in tort doctrine, history, and theory New to the Tenth Edition: Overhaul of section on economic loss rule, including new lead case, Southern California Gas Leak Cases, and references to Third Restatement (Torts): Liability for Economic Harm. A new section in Chapter 8 on Damages in Context, which includes the case *B. B. v. County of Los Angeles*, which exposes a divide among the justices regarding the degree to which tort law should be situated within a larger legal and social context, one that includes the urgent and troubling intersection of race, policing, and violence in America. A new section in Chapter 4 on Statutory Immunities, which provides information on statutes that provide immunity from tort liability to particular industries or activities. New discussion of sexual harassment claims under intentional infliction of emotional distress and federal antidiscrimination statutes. Significant revamping of Chapter 5's treatment of public nuisance doctrine in light of increasingly prominent use in contexts such as the opioid epidemic and climate change. Three new lead cases in Chapter 7 reflecting developments in the law of products liability, as well as a new section exploring caselaw on Amazon.com's treatment as a product seller. Additional new lead cases throughout the Tenth Edition offer compelling teaching opportunities on a variety of topics, including: *Bassett v. Lamantia* (public-duty doctrine) *Warren v. Dinter* (medical malpractice) *Gomez v. Crookham Co.* (worker's compensation benefits and wrongful death) *Rich v. Fox News Network, LLC* (emotional distress) *Gilmore v. Jones* (defamation) *Lunsford v. Sterilite of Ohio, L.L.C.* (invasion of privacy) Professors and students will benefit from: Problem-and-cases pedagogical approach challenges students' understanding through theoretical and real-life situations. Clear, balanced presentation enables students to understand the overarching structure, organization, and impact of tort law. Lively mix of problems, cases, excerpts, notes and questions. Comprehensive, process-oriented approach appropriate for basic, advanced, or year-long law school torts courses. Compelling presentation from multiple scholarly and interdisciplinary perspectives. Sensitive treatment of tort law's implications for race, sex, and gender equity.

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 procedu-

ral 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 traditional definition of torts involves bizarre, idiosyncratic events where a single plaintiff with a physical impairment sues the specific defendant he believes to have wrongfully caused that malady. Yet public attention has focused increasingly on mass personal-injury lawsuits over asbestos, cigarettes, guns, the diet drug fen-phen, breast implants, and, most recently, Vioxx. Richard A. Nagareda's *Mass Torts in a World of Settlement* is the first attempt to analyze the lawyer's role in this world of high-stakes, multibillion-dollar litigation. These mass settlements, Nagareda argues, have transformed the legal system so acutely that rival teams of lawyers operate as sophisticated governing powers rather than litigators. His controversial solution is the replacement of the existing tort system with a private administrative framework to address both current and future claims. This book is a must-read for concerned citizens, policymakers, lawyers, investors, and executives grappling with the changing face of mass torts.

First English-language comparative volume to study where, how and why tort and crime interact. Covers common and civil law countries.

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 inter-

ests; 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.

Since its first publication, *Accidents, Compensation and the Law* has been recognised as the leading treatment of the law of personal injuries compensation and the social, political and economic issues surrounding it. The seventh edition of this classic work explores recent momentous changes in personal injury law and practice and puts them into broad perspective. Most significantly, it examines develop-

ments affecting the financing and conduct of personal injury claiming: the abolition of legal aid for most personal injury claims; the increasing use of conditional fee agreements and after-the-event insurance; the meteoric rise and impending regulation of the claims management industry. Complaints that Britain is a 'compensation culture' suffering an 'insurance crisis' are investigated. New statistics on tort claims are discussed, providing fresh insights into the evolution of the tort system which, despite recent reforms, remains deeply flawed and ripe for radical reform.

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.