

Helmut Koziol (ed.)

Basic Questions of Tort Law

from a Comparative Perspective

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Basic Questions Tort Comparative Perspective

Ernst Karner, Barbara C. Steininger



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Basic Questions of Tort Law from a Comparative Perspective, 2015 French Civil Liability in Comparative Perspective Jean-Sébastien Borghetti, Simon Whittaker, 2019-12-26 The French law of torts or of extra contractual liability is widely seen as exceptional For long it was based on a mere five articles of the Civil Code of 1804 but on this foundation the courts and legal scholars have constructed liabilities for fault and strict liability of an extraordinary breadth and significance While the rest of the general law of obligations including contract in the Civil Code was reformed in 2016 by executive ordonnance this area was left aside being the subject in 2017 of a proposal by the French Government for the legislative reform of the law of civil liability a new legislative category to include both contractual and extra contractual liability This work considers important aspects of this developing area of French law in a series of essays by French lawyers and comparative lawyers working in French law and other civil law systems In doing so it provides insight into the doctrinal thinking and judgments of French lawyers as well as the possible directions in which this area of the law may be developed in the future Research Handbook on Fundamental Concepts of Environmental Law Douglas Fisher, 2022-11-25 This expanded and updated Research Handbook delivers an authoritative and in depth guide to the conceptual foundations of environmental law It offers a nuanced reflection on the underlying principles by exploring issues such as human rights constitutional rights sustainable development and environmental impact assessment within the context of environmental law

Basic Questions of Tort Law from a Comparative Perspective Helmut Koziol, 2015 **Modes of Regulation in the Intermediate Field Between Contract Law and Tort Law** Jiayong Zhang, 2023-02-17 *Torts on Three Continents* Kylie Burns, Jodi Gardner, Jonathan Morgan, Sandy Steel, 2024-08-06 Professor Jane Stapleton is one of the world's leading experts on causation and has had a profound impact on tort law scholarship both in terms of the incredible range of topics she has contributed to and across the multiple countries she has worked in *Torts on Three Continents Honouring Jane Stapleton* brings together a group of scholars from Stapleton's home country Australia from the United Kingdom where she spent much of her professional career and the United States where she has made such a significant contribution to celebrate and honour her work *Torts on Three Continents* reveals the impressive and enviable breadth of Jane Stapleton's scholarship while contributing to many of the ongoing and traditional debates in tort The volume is split into four parts The first part focuses on general themes that arise in Stapleton's work including the academic influence on judges the role of insurance in compensation the impact of vulnerability on tort law and liability of public authorities The second part considers aspects of liability in the tort of negligence including duties of care for psychiatric harm The third part is dedicated completely to causation with three chapters from authors in three different countries reflecting on the impact of Stapleton's work in this area The final section covers a variety of different aspects of tort law and compensation systems including harms committed in the public interest damage in economic torts statutory product liability reforms and alternative compensation scheme

design Powerful and thought provoking this book will provide its readers with an appreciation of the magnitude of Jane Stapleton's contribution across the common law world and a novel perspective on some of the more modern challenges faced in tort law The Oxford Handbook of Comparative Environmental Law Emma Lees, Jorge E. Viñuales, 2019 This Handbook brings together the foremost authorities from around the world to provide the first comprehensive account of comparative environmental law It examines in detail the methodological foundations of the discipline as well as the substance of environmental law across countries Tort Law in Portugal Nuno Manuel Pinto Oliveira, André Gonçalo Dias Pereira, 2025-07-22 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 Portugal This traditional branch of law not only tackles questions which concern every lawyer whatever his legal expertise but also concerns each person's most fundamental rights on a worldwide scale Following a general introduction that probes the distinction between tort and crime and the relationship between tort and contract the monograph describes how the concepts of fault and unlawfulness and of duty of care and negligence are dealt with in both the legislature and the courts The book then proceeds to cover specific cases of liability such as professional liability liability of public bodies abuse of rights injury to reputation and privacy vicarious liability liability of parents and teachers liability for handicapped persons product liability environmental liability and liability connected with road and traffic accidents Principles of causation grounds of justification limitations on recovery assessment of damages and compensation and the role of private insurance and social security are all closely considered Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for lawyers in Portugal Academics and researchers will also welcome this very useful guide and will appreciate its value not only as a contribution to comparative law but also as a stimulus to harmonization of the rules on tort

The Cambridge Handbook of Artificial Intelligence Larry A. DiMatteo, Cristina Poncibò, Michel Cannarsa, 2022-08-11 The technology and application of artificial intelligence AI throughout society continues to grow at unprecedented rates which raises numerous legal questions that to date have been largely unexamined Although AI now plays a role in almost all areas of society the need for a better understanding of its impact from legal and ethical perspectives is pressing and regulatory proposals are urgently needed This book responds to these needs identifying the issues raised by AI and providing practical recommendations for regulatory technical and theoretical frameworks aimed at making AI compatible with existing legal rules principles and democratic values An international roster of authors including professors of specialized areas of law technologists and practitioners bring their expertise to the interdisciplinary nature of AI Essential Cases on the Limits of Liability Bénédicte Winiger, Bjarte Askeland, Elena Bargelli, Martin Hogg, Ernst Karner, 2024-11-04 European legal systems have developed a broad range of instruments aimed at limiting liability These instruments are systematically examined within the present volume which builds on the experience gathered in the various jurisdictions over the past

decades and thereby fills a major gap in tort law literature The publication contains a selection of the most important cases from 27 states across Europe as well as decisions by European Union courts it also highlights cases from earlier periods of legal history For each case the facts and the relevant court decision are presented and accompanied by an analytical commentary In addition comparative analyses of the reported cases are provided and a special report is dedicated to how key cases would be resolved under model European rules on tort law The editors believe that the material gathered here may provide guidance for an organic convergence of the national legal systems in Europe It constitutes the basis of an *acquis commun* that is infinitely richer though also much more complex than the rather bland and abstract concepts contained in national codifications European legislation and modern model rules

A Company's Right to Damages for

Non-Pecuniary Loss Vanessa Wilcox, 2016-09 This detailed examination explores the extent to which non pecuniary damages can properly be awarded to companies

Civil Liability for Artificial Intelligence and Software Mark A.

Geistfeld, Ernst Karner, Bernhard A. Koch, Christiane Wendehorst, 2022-11-21 Initiated by the European Commission the first study published in this volume analyses the largely unresolved question as to how damage caused by artificial intelligence AI systems is allocated by the rules of tortious liability currently in force in the Member States of the European Union and in the United States to examine whether and if so to what extent national tort law regimes differ in that respect and to identify possible gaps in the protection of injured parties The second study offers guiding principles for safety and liability with regard to software testing how the existing *acquis* needs to be adjusted in order to adequately cope with the risks posed by software and AI The annex contains the final report of the New Technologies Formation of the Expert Group on Liability and New Technologies assessing the extent to which existing liability schemes are adapted to the emerging market realities following the development of new digital technologies

2023 Ernst Karner, Barbara C. Steininger, 2024-12-16

The European Tort Law Yearbook provides a comprehensive overview of the latest developments in tort law in Europe It contains reports from the majority of European jurisdictions as well as a comparative analysis that identifies emerging trends Focusing on the year 2022 the authors critically assess important court decisions and new legislation and provide a literature overview

The Oxford Handbook of Comparative Law Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with

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Why Not Torture Terrorists? Yuval Ginbar,2008-03-27 This book addresses a dilemma at the heart of counter terrorist policy is it ever justifiable to torture terrorists in order to save the lives of others the so called ticking bomb scenario The book opens with an analysis of the pure moral argument from the standpoint of the individual as torturer It then looks at the issues that arise once a state has decided to sanction torture in certain situations how to establish factually that the situation is urgent deciding who to torture training people to carry out torture and the efficacy of torture as a means of gathering information The final part examines attempts to operate legal systems which tolerate torture how they relate to the criminal law notion of necessity and to international human rights norms After examining the utilitarian arguments for torture and the impact on a society of permitting torture the author presents a powerful argument for maintaining the absolute legal prohibition

Fault Lines David Engel,Michael McCann,2009-04-24 This pioneering collection examines tort law as a cultural phenomenon drawing on the theories and methods of law sociology political science and anthropology and comparative cases across the United States Europe and Asia

EU Market Abuse Regulation Kalss, Susanne,Oppitz, Martin,Torggler, Ulrich,Winner, Martin,2021-12-07 This comprehensive Commentary examines the implications of the EU s Market Abuse Regulation introduced following the 2008 financial crisis after gaps were identified in the existing regulatory framework It explores whether and how the Regulation achieves its aims of preserving the integrity of financial markets by preventing insider dealing and market manipulation providing a harmonised legal framework and increasing legal certainty for all market participants

Machine Learning and Knowledge Extraction Andreas Holzinger,Peter Kieseberg,A Min Tjoa,Edgar Weippl,2020-08-19 This book constitutes the refereed proceedings of the 4th IFIP TC 5 TC 12 WG 8 4 WG 8 9 WG 12 9 International Cross Domain Conference CD MAKE 2020 held in Dublin Ireland in August 2020 The 30 revised full papers presented were carefully reviewed and selected from 140 submissions The cross domain integration and appraisal of different fields provides an atmosphere to foster different perspectives and opinions it will offer a platform for novel ideas and a fresh look on the methodologies to put these ideas into business for the benefit of humanity Due to the Corona pandemic CD MAKE 2020 was held as a virtual event

The Law of Obligations in Central and Southeast Europe Zvonimir Slakoper,Ivan Tot,2021-08-16 The Law of Obligations in Central and Southeast Europe examines the new codifications reforms and other recent developments in Central and Southeast Europe which have significantly modernized the law of obligations in the last two decades focusing particularly on the legal systems of Poland Czech Republic Slovak Republic

Hungary Slovenia Croatia Serbia and Turkey With chapters authored by prominent academics and promising young legal scholars this book discusses the results of the modernizations and describes the legislative reforms of the law of obligations that are underway or are discussed and advocated for in the countries of Central and Southeast Europe Divergences of the new civil codes and other legislative acts from earlier legal solutions are identified and the rationale behind these departures is analysed as well as the introduction of the new legal institutes in the law of obligations in these parts of the world The Introduction provides a concise country by country overview of the recodification modernization and reform of the law of obligations in Central and Southeast Europe In Part I chapters discuss the process of recodification in the Slovak Republic Czech Republic Poland and Hungary with focus on the main novelties in their contract and tort law The chapters in Part II then discuss several more specific legal institutes of the law of obligations and other recent developments and contemporary challenges to the law of obligations in the Czech Republic Slovenia Croatia Serbia and Turkey This book is of interest to legal scholars in the field of private law as well as to students practitioners members of law reform bodies and civil servants in Central and Southeast Europe and beyond

An Inconvenient Deliberation Miriam Haritz, 2011-01-01 This vitally important book asks Can the precautionary principle make uncertainty judiciable in the context of liability for the consequences of climate change and if so to what extent Drawing on the full range of pertinent existing literature and case law the author examines the precautionary principle both in terms of its content and application and in the context of liability law She analyses the indirect means offered by existing legislation being used by environmental groups and affected individuals before the courts to challenge both companies and regulators as responsible agents of climate change damage Page 4 of cover

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Table of Contents Basic Questions Tort Comparative Perspective

1. Understanding the eBook Basic Questions Tort Comparative Perspective
 - The Rise of Digital Reading Basic Questions Tort Comparative Perspective
 - Advantages of eBooks Over Traditional Books
2. Identifying Basic Questions Tort Comparative Perspective
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Basic Questions Tort Comparative Perspective
 - User-Friendly Interface
4. Exploring eBook Recommendations from Basic Questions Tort Comparative Perspective
 - Personalized Recommendations
 - Basic Questions Tort Comparative Perspective User Reviews and Ratings
 - Basic Questions Tort Comparative Perspective and Bestseller Lists
5. Accessing Basic Questions Tort Comparative Perspective Free and Paid eBooks
 - Basic Questions Tort Comparative Perspective Public Domain eBooks
 - Basic Questions Tort Comparative Perspective eBook Subscription Services
 - Basic Questions Tort Comparative Perspective Budget-Friendly Options

6. Navigating Basic Questions Tort Comparative Perspective eBook Formats
 - ePub, PDF, MOBI, and More
 - Basic Questions Tort Comparative Perspective Compatibility with Devices
 - Basic Questions Tort Comparative Perspective Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Basic Questions Tort Comparative Perspective
 - Highlighting and Note-Taking Basic Questions Tort Comparative Perspective
 - Interactive Elements Basic Questions Tort Comparative Perspective
8. Staying Engaged with Basic Questions Tort Comparative Perspective
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Basic Questions Tort Comparative Perspective
9. Balancing eBooks and Physical Books Basic Questions Tort Comparative Perspective
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Basic Questions Tort Comparative Perspective
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Basic Questions Tort Comparative Perspective
 - Setting Reading Goals Basic Questions Tort Comparative Perspective
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Basic Questions Tort Comparative Perspective
 - Fact-Checking eBook Content of Basic Questions Tort Comparative Perspective
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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