

Helmut Koziol (ed.)

Basic Questions of Tort Law

from a Comparative Perspective

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Jiayong Zhang



Basic Questions Tort Comparative Perspective:

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

Basic Questions of Tort Law from a Comparative Perspective, 2015 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 other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field

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

Modes of Regulation in the Intermediate Field Between Contract Law and Tort Law Jiayong Zhang, 2023-02-17 **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

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

Directors & Officers (D & O) Liability Simon Deakin, Helmut Koziol, Olaf Riss, 2018-02-19 In recent years several cases concerning the liability of directors and officers have courted controversy Arguments raised in such discussions oscillate between two extremes on the one hand the need for governing bodies to give a space to entrepreneurial discretion and on the other hand to ensure the protection of investors in and creditors of a company from the consequences of disadvantageous decisions by those bodies In light of the geographical dispersal of the above stakeholders the study offers a comparative insight into the liability of directors and officers in 10 key European jurisdictions in particular Austria Czech Republic Germany Italy the Netherlands Norway Poland Spain and Switzerland and 4 non European jurisdictions namely Brazil Israel Turkey and the United States Amongst other things it investigates existing company law principles on the topic and examines their interaction with tort law and other fields with a view to suggesting principles for better stakeholder protection National reports are complemented by an economic analysis and insurance conflict of laws and comparative reports The study also benefits from case study analyses

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

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

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