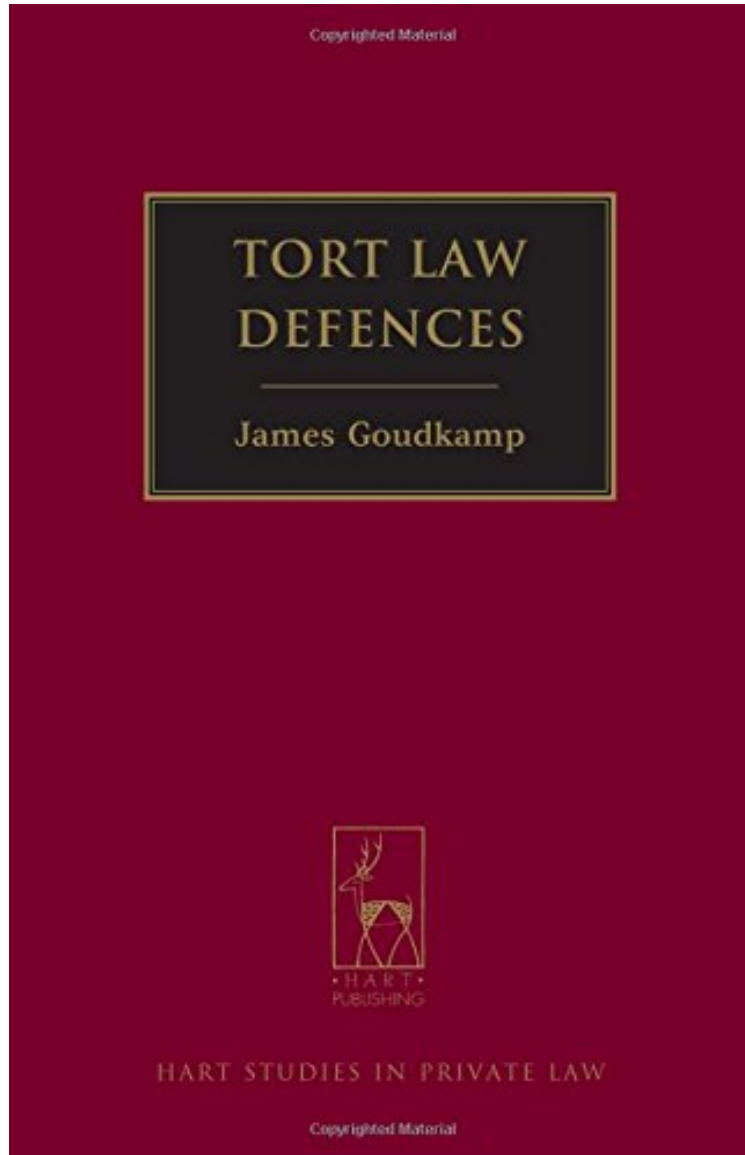


[Ebook pdf] Tort Law Defences (Hart Studies in Private Law)

Tort Law Defences (Hart Studies in Private Law)

James Goudkamp

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James Goudkamp : Tort Law Defences (Hart Studies in Private Law) before purchasing it in order to gauge whether or not it would be worth my time, and all praised Tort Law Defences (Hart Studies in Private Law):

The law of torts recognizes many defenses to liability. While some of these defenses have been explored in detail, scant attention has been given to the theoretical foundations of defenses generally. In particular, no serious attempt has

been made to explain how defenses relate to each other or to the torts to which they pertain. This book reduces the size of this substantial gap in the understanding of tort law. Principally, the book does so by developing a taxonomy of defenses. It argues that all defenses should be sorted into the following three categories: absent element defenses, justification defenses, and public policy defenses. Absent element defenses are denials by the defendant of one or more of the elements of the tort in which the claimant sues. Justification defenses are defenses that are available where the defendant acted reasonably in committing a tort. Public policy defenses are defenses that relieve the defendant of liability even though he committed a tort without justification. The book shows that much can be learned about a given defense (as well as defenses in general) from the way in which they are classified within this system. It is a fresh and original study which will be of interest to all those working in the field of tort law. (Series: Hart Studies in Private Law - Vol. 8)

...a welcome contribution. With its careful analysis and clear prose, the book warrants our serious attention. (Graeme Austin New Zealand Law Journal)...this book is a gem. It is beautifully clear in its exposition, and thorough in its examination of the area which has long needed such a look. Academic tort lawyers will love it and practitioners will find it extremely useful in clarifying their approach to arguing defences. It is worth having in your library. (Prue Vines Australian Civil Liability)... a highly original and insightful analysis into the law of defences to torts as a whole [that] is certainly worthwhile reading. (James Plunkett Australian Law Journal, Volume 88)... an excellent, thought-provoking and rigorously analytical book, which is clearly written and meticulously researched. (Paul Mitchell Sydney Law , Volume 36)...Goudkamp's book is the first scholarly study of tort law defences as a whole, and as such is a major addition to the scholarship of tort law. The range of the author's scholarship is impressive, not only in its scale, in that it has extended over the whole field of the law of torts, but also jurisdictionally, and in the use he makes of criminal law scholarship about defences - which may be a first for torts scholars. There are passages which are heavy on theory...which are particularly telling in showing the author's mastery of such areas. The work as a whole has carved out a new area in tort law research and is a most impressive contribution to the scholarly literature on this subject. (Peter Handford Torts Law Journal, Volume 21)... Tort Law Defences... forces everyone with a serious interest in tort (and more widely in private law) to think harder about the topic....this is the first serious study devoted to the subject in the common-law world. That tort law defences have been under-analysed is self-evident: indeed, Goudkamp's namesake book is the first serious attempt to conceptualise them. This is enough in itself to make it a landmark in tort scholarship. If defences are one day recognised as a coherent field of study, it will be in large part this book's heritage.... Tort Law Defences is ... a pioneering work. It challenges us to think harder about doctrines which are extremely important, both on a theoretical and a practical level. (Eric Descheemaeker The Modern Law , Volume 77(3))... the book is impeccably researched and readable. (Peter Fagan New South Wales Law Society Journal, 2014) In this very significant and thought-provoking book, James Goudkamp offers a fresh conceptualisation of the law governing tort defences, and does so with a rigour and energy that make the book a challenging yet highly worthwhile study... It is an invaluable addition to torts scholarship. This fine book makes an ambitious argument that is sustained by rigorous scholarship and expressed with clarity and cogency. It deserves to be read and analysed by all those interested in tort law and the law of obligations. (Desmond Ryan Legal Studies, volume 34, number 4) James Goudkamp's book can rightly claim to be the first serious attempt to examine tort law defences systematically and it is a very important addition to the private law canon. [his] analysis is consistently thought-provoking. This book will provide the framework for future analysis of all private law defences. (Graham Virgo The Cambridge Law Journal) James Goudkamp's Tort Law Defences fills a startling gap in tort law scholarship, which has not previously made a serious attempt to classify or theorize about defences... Goudkamp's book provides an impressive foundation for the future study of defences, and will undoubtedly become the standard against which all other works are measured. (Erika Chamberlain Canadian Business Law Journal) This book, a revised version of the author's doctoral thesis, is the first sustained attempt in the modern law to explore the theoretical foundations of the defences to liability recognised by the law of tort and their interrelationship... an instant classic. (Annette Morris and Ken Oliphant Yearbook of European Tort Law, 2013)... this book is a pathbreaker in theorising about tort law defences and deserves a space on the shelves of law libraries and tort law academics. (Kumaralingam Amirthalingam Singapore Journal of Legal Studies) This ambitious new work is the first concerted attempt to develop a coherent theory of defences in tort. In doing so, it addresses many of the fundamental questions that need to be analysed in order to grasp the deeper nature of defences as a functional, normative instrument in tort law. The light shed on the functionality aspect is very helpful from a comparative perspective... written in a very clear and systematic nature and Goudkamp's language is impressively precise and readable. His analyses are based on a wide range of very interesting theoretical material, and he is undoubtedly a very knowledgeable scholar in this area... an important stepping stone in both general law theory and general theory about private law. (Anie Marie Froseth Journal of European Tort Law) About the Author James Goudkamp is a Fellow of Keble College, Oxford, and an Associate Professor in the Oxford Law Faculty. He holds or has held visiting positions at Harvard Law School, the National University of Singapore, the University of Western

Australia and the University of Wollongong.