



Duty and Integrity in Tort Law

Alan Calnan

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Duty and Integrity in Tort Law is a comprehensive, versatile and revolutionary examination of the tort concept of duty. After tracing the historical evolution of tort law, Duty and Integrity analyzes the current approaches to tort duties, including the new approach offered by the authoritive Restatement (Third) of Torts. Unlike these approaches, which tend to focus exclusively on negligence duties, Duty and Integrity examines the role of duty in all three of tort law's theories of liability intentional torts, strict liability and negligence exposing the similarities and differences of these duties and suggesting grounds for their integration. Aside from its critical commentary, Duty and Integrity contains many important philosophical and pragmatic insights. It reveals the moral and political foundations of tort law and duty by offering accessible explorations of corrective justice, distributive justice, and liberalism. Because liberal justice requires coherence in law, Ronald Dworkin's acclaimed theory of "law as integrity" both frames and instructs the discussion. After explaining, critiquing, and endorsing a modified version of Dworkin's approach, the book presents a groundbreaking methodology called "duty as integrity" for resolving any tort duty question. To demonstrate the practicality of this approach, Duty and Integrity concludes by thoroughly applying the proposed methodology to a recent and controversial decision of an influential state supreme court. Given its broad intellectual scope, Duty and Integrity in Tort Law should appeal to legal and nonlegal academics and their students, as well as members of the legal community at large. Its transparent style makes it suitable both for advanced undergraduate or graduate classes on law, philosophy or political science and for law school courses on torts, advanced torts, tort theory, jurisprudence, law and politics, law and policy, legal history, and many more.



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