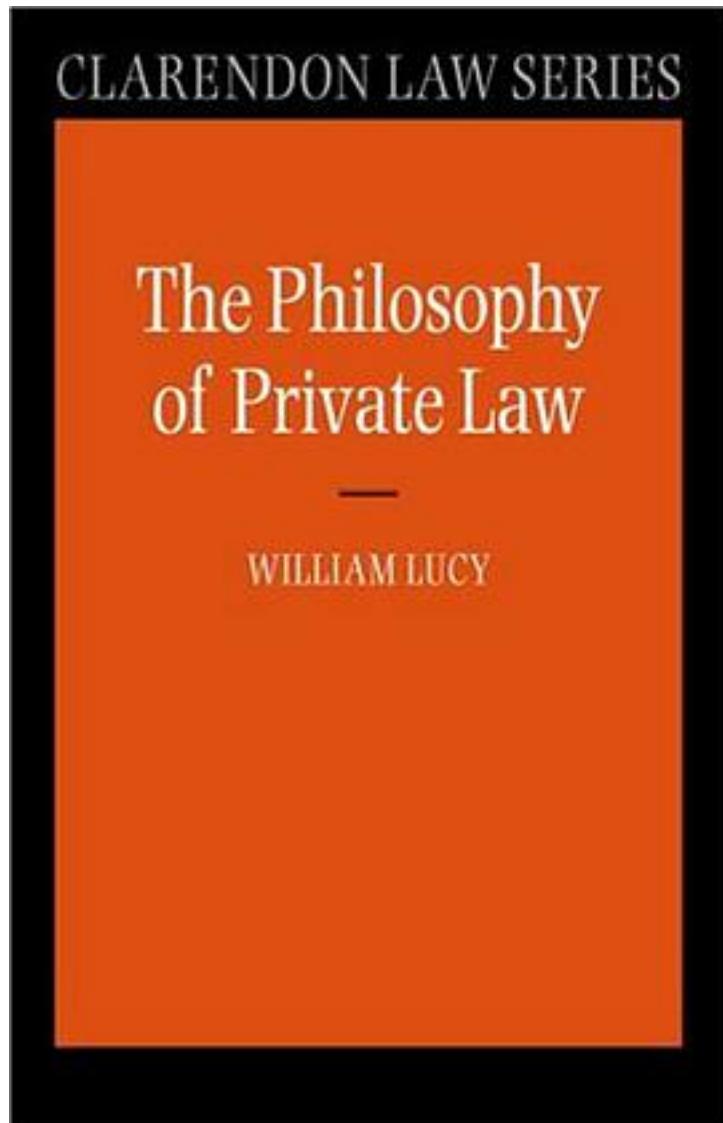


Philosophy of Private Law



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On what basis does tort law hold us responsible to those who suffer as a result of our carelessness? Why, when we breach our contracts, should we make good the losses of those with whom we contracted? In what sense are our torts and our breaches of contract 'wrongs'? These two branches of private law have for centuries provided philosophers and jurists with grounds for puzzlement. This book provides an outline of, and intervention in, contemporary jurisprudential debates about the nature and foundation of liability in private law. After outlining the realm of the philosophy of private law, the book divides into two. Part I examines the various components of liability responsibility in private law, including the notions of basic responsibility, conduct, causation and wrongfulness. Part II considers arguments purporting to show that private law does and should embody a conception of either distributive or corrective justice or some combination of the two. Throughout the book a number of distinctions - between conceptual and normative argument, between jurisprudential 'theory' and private law 'practice', between legal obligation and moral obligation - are analyzed, the aim being to give students an informed grasp of both the limits and possibilities of the philosophy of private law.

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