

Table of Contents

The Author	3
List of Abbreviations	11
General Introduction	13
§1. THE GENERAL BACKGROUND OF THE COUNTRY	13
I. Geography	13
II. History	13
III. Political System	15
IV. Economic and Social Values	16
§2. LEGAL SYSTEM	17
I. Primacy of the Constitution and Legislation	17
II. Position of the Judiciary	17
III. Distinction between Public and Private Law	18
IV. Sources of Private Law in General and of Tort Law in Particular	19
§3. FUNCTION OF THE LAW OF TORTS	19
§4. RELATIONSHIP BETWEEN TORTS AND CRIMINAL LAW	20
§5. RELATIONSHIP BETWEEN CONTRACTUAL AND TORTIOUS RESPONSIBILITY	22
§6. PROTECTED INTERESTS	22
Part I. Liability for One's Own Acts	25
Chapter 1. General Principles	25
§1. DUTY OF CARE AND NOMINATE TORTS	25
I. Nominate Torts	25
II. Negligence	25
A. Duty of Care	26
B. Standard of Care	27
C. Damage	28
	5

Table of Contents

D. Affirmative Duties	28
E. Pure Economic Loss	29
F. Negligently Inflicted Psychiatric Injury	30
§2. CONCEPT OF FAULT	32
I. Intent and Recklessness	32
II. Negligence	32
III. Proof of Fault	33
§3. UNLAWFULNESS AND FAULT	34
I. Strict Liability	34
II. Special and Mixed Standards	35
§4. CAPACITY	35
Chapter 2. Specific Cases of Liability	37
§1. LIABILITY OF PROFESSIONALS	37
I. In General	37
II. Medical Practitioners	37
III. Legal Practitioners	39
IV. Builders and Architects	39
V. Others	40
§2. LIABILITY OF PUBLIC AUTHORITIES	40
§3. ABUSE OF RIGHTS	41
I. Malicious Prosecution	41
II. Abuse of Civil Process	41
III. Misfeasance in Public Office	42
§4. INJURY TO REPUTATION AND PRIVACY	42
I. Defamation	42
II. Violation of Privacy	46
§5. INTERFERENCE WITH BUSINESS INTERESTS	48
I. Inducing Breach of Contract	48
II. Interference with Economic Relations	48
III. Passing Off	49
IV. Malicious Falsehood	51
§6. TRESPASS TO THE PERSON	52
I. Battery	52
II. Assault	52
III. False Imprisonment	53

Table of Contents

§7. INTERFERENCE WITH PROPERTY RIGHTS	53
I. Trespass to Land	53
II. Private Nuisance	54
III. Interference with Goods	56
§8. STATUTORY RIGHTS AND DUTIES	57
I. Breach of Statutory Duty	57
II. Occupiers' Liability	59
§9. OTHER TORTS	61
I. Deceit	61
II. Public Nuisance	62
III. Loss of Consortium	62
Part II. Liability for Acts of Others	65
Chapter 1. Vicarious Liability	65
§1. EMPLOYEE/EMPLOYER	65
§2. INDEPENDENT CONTRACTORS	68
§3. LIABILITY OF LEGAL ENTITIES FOR ACTS OF THEIR ORGANS (AND FOR ACTS OF PERSONS ENTRUSTED WITH THE POWER TO ACT WITHOUT BEING AN ORGAN)	69
Chapter 2. Liability of Parents, Teachers & Instructors (For Children, Minors, Students)	71
Chapter 3. Liability for Things and Animals	72
§1. LIABILITY FOR THINGS	72
§2. LIABILITY FOR ANIMALS	72
Part III. Forms of Strict Liability	75
Chapter 1. Product Liability	75
Chapter 2. The <i>Rylands v. Fletcher</i> Principle	76
Chapter 3. Environmental Liability	78
Chapter 4. Others	79
	7

Table of Contents

Part IV. Defences and Exception Clauses	81
Chapter 1. Limitation of Action	81
§1. STATUTORY PROVISIONS	81
§2. JUDICIAL PRINCIPLES	83
Chapter 2. Grounds of Justification	86
§1. CONSENT	86
§2. NECESSITY	88
§3. SELF-HELP AND SELF-DEFENCE	88
§4. OTHERS	90
Chapter 3. Contributory Fault	92
§1. GENERAL PRINCIPLE	92
§2. NEGLIGENCE	92
§3. CONTRIBUTORY	93
§4. APPORTIONMENT	93
Chapter 4. Exemption Clauses	96
Part V. Causation & Joint and Several Liability	97
Chapter 1. Causation	97
§1. GENERAL PRINCIPLE	97
§2. FACTUAL CAUSE	97
§3. LEGAL CAUSE	98
§4. OTHER CAUSAL ISSUES	101
Chapter 2. Concurrent Wrongdoers	103

Table of Contents

Part VI. Remedies	107
Chapter 1. General Principles	107
Chapter 2. Kinds of Damages	110
§1. INDIVIDUAL AND COLLECTIVE DAMAGE	110
§2. DIRECT AND INDIRECT	110
§3. PECUNIARY AND NON-PECUNIARY LOSSES	112
I. Pecuniary	112
II. Non-pecuniary	112
§4. PURE ECONOMIC LOSS	114
§5. ACTUAL AND FUTURE DAMAGE	114
§6. OTHER COSTS (COSTS OF ASSESSING DAMAGE AND LIABILITY; COSTS IN OBTAINING JUDICIAL OR EXTRA JUDICIAL PAYMENT)	115
§7. MITIGATION OF DAMAGES	115
Chapter 3. Assessment and Compensation of Damages	117
§1. OBJECTIVE VERSUS SUBJECTIVE	117
§2. CONCRETE VERSUS ABSTRACT	117
§3. METHODS OF ASSESSING DAMAGES	118
§4. EQUITABLE LIMITATION OF DAMAGES	119
§5. METHODS OF PAYMENT	120
I. Lump Sum	120
II. Annuities	121
Chapter 4. Personal Injury and Death	122
§1. PECUNIARY LOSSES	122
I. Personal Injury	122
II. Death	125
§2. NON-PECUNIARY LOSSES	126
I. Personal Injury	126
II. Death	127

Table of Contents

Chapter 5. Various Damages (Property & Economic Loss)	128
Chapter 6. Deductibility of Collateral Benefits	130
§1. INSURANCE	130
§2. SOCIAL SECURITY	130
§3. OTHERS	130
Chapter 7. Other Remedies	132
§1. RESTITUTION (FOR UNJUST ENRICHMENT)	132
§2. INJUNCTIVE RELIEF	132
§3. PUNITIVE DAMAGES	135
Selected Bibliography	137
Index	141