Theoretical Perspectives on Torts

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Why have tort law?

If we're going to have it, how should we choose its rules? What's the design principle?

Some possible ideas …

- We have tort law because it's only fair that people should be compensated for losses (justice/fairness).

- We have tort law because forcing people to pay for the damage they cause will leave everyone better off (economic efficiency).

Feminist Perspective

- Leslie Bender
  - A Lawyer's Primer on Feminist Theory and Tort, 38 J. of L. Educ. 3 (1988)
  - (We read part of this earlier in the semester.)