

The Duty to Act: Tort Law, Power, and Public Policy

Shapo, Marshall S.

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The Duty To Act Tort Law Power And Public Policy

Bryan P. Schwartz, et al.



The Duty To Act Tort Law Power And Public Policy:

The Duty to Act Marshall S. Shapo, **The Duty to Act** Marshall S. Shapo, 1977-01-01 **The Duty to Act** Marshall S. Shapo, 2014-09-10 A woman terrified by the threats of a jilted suitor is denied police protection A workman collapses on the job and the employer is slow to help him A bully in a bar begins to carry out threats of serious injury to a customer after the bartender's lackadaisical response Springing from varied areas of human activity such cases occupy an important area of the legal battleground called modern tort law They also provide the basis for a fascinating legal analysis by Marshall S Shapo Tort law is an important social mediator of events surrounding personal injuries It impinges on many other areas of the law those dealing with crime constitutional protections against government officials and agencies and property rights Since litigated tort cases often involve brutal treatment or accidents inflicting severe physical harm this area of the law generates much emotion and complex legal doctrine Shapo cuts through the emotion and the complexity to present a view of these problems that is both legally sound and intuitively appealing His emphasis is on power relationships between private citizens and other individuals as well as between private persons and governments and officials He undertakes to define power in a meaningful way as it relates to many tort issues faced by ordinary citizens and to make this definition precise by constant reference to concrete cases His particular focus is on an age old problem in tort law the question of when a person has a duty to aid another in peril In analyzing a large number of cases in this category Shapo develops an analysis that blends considerations of economic efficiency and humanitarian concern Recognizing that economic considerations are significant in judicial analysis of these cases he emphasizes elements that go beyond a simple concern with efficiency especially the ability of one person to control another's actions or exposure to risk These considerations of power and corresponding dependence provide the basis for Shapo's study of the duties of both private citizens and governments to prevent injury to others Calling on a broad range of legal precedents he also refers to social science research dealing with the behavior of bystanders when fellow citizens are under attack Beyond his application of a power based analysis to litigation traditionally based in tort doctrine Shapo offers some speculative suggestions on the possible applicability of his views to several controversial areas of welfare law medical care municipal services and educational standards This book was written with a view to readership by interested citizens as well as legal scholars judges and practicing attorneys **Health and the Law** Tom Christoffel, 1985-08 This outstanding text and reference provides health professionals students with a balanced comprehensive highly readable survey of the legal concepts and controversies affecting them today Avoiding unnecessarily technical language it lucidly explains basic legal principles and theories examines current issues and their implications and probes future legal trends Throughout each chapter offers a complete self contained introduction to a medicolegal topic including invaluable endnotes that cite references clarify perspectives and suggest further readings A unique appendix also explains how to use law library facilities to best advantage **Tortious Liability for Unintentional Harm in the**

Common Law and the Civil Law: Volume 1, Text F. H. Lawson, B. S. Markesinis, 1982-09-16 Manitoba Law Journal:
Underneath the Golden Boy 2018 Volume 41(1) Bryan P. Schwartz, et al., Underneath the Golden Boy series of the Manitoba Law Journal reports on developments in legislation and on parliamentary and democratic reform in Manitoba Canada and beyond This issue has articles from a variety of contributing authors including Bryan P Schwartz Darcy L MacPherson Richard H Helmmoltz Jennifer L Schulz Richard Jochelson David Ireland John Burchill Gerard J Kennedy Virginia Torrie Ben Wickstrom Yassir Alnaji and Constanica Smart Carvalho *Philosophical Foundations of Tort Law* David G. Owen, 1995 This exceptional collection of twenty two essays on the philosophical fundamentals of tort law assembles many of the world's leading commentators on this particularly fascinating conjunction of law and philosophy The contributions range broadly from inquiries into how tort law derives from Aristotle Aquinas and Kant to the latest economic and rights based theories of legal responsibility This is truly a multi national production with contributions from several distinguished Oxford scholars of law and philosophy and many prominent scholars from the United States Canada and Israel A provocative closing essay by one of the world's leading moral philosophers illuminates how tort law enables philosophers to observe the abstract theories of their discipline put to the concrete test in the legal resolution of real world controversies based on principles of right and wrong

In Defense of Tort Law Thomas Koenig, Michael Rustad, 2003-10 Tort law is a good thing whatever it is *The Role of Fraternity in Law* Adriana Cosseddu, 2021-12-05 This collection discusses the concept of fraternity and examines the issue of its role in law Since the end of World War II fraternity has been cited in several national constitutional charters in addition to the United Nations Universal Declaration of Human Rights But is there space for fraternity in law The contributions to this book form an ideal bridge between the past and present to trace the different pathways taken to address the meaning of fraternity and to identify its possible legal relevance The book lays out paths that have placed fraternity in varied and challenging legal contexts in an age of globalization and conflict where the multiplicity of national and supranational sources of law seems to show its inadequacy to govern complexity and coexistence between diversities that appear irreconcilable The purpose is not to recover fraternity as a forgotten principle but to reimagine it today to address the aim and force of law within a plurality of cultures The analysis considers a possible universal dimension that models unity within diversity and aspires to serve as a prologue to a transition from research to dialogue between different legal systems and traditions The book will be of interest to academics and researchers working in the areas of Comparative Law Legal History and Legal Philosophy

Humanitarian Intervention Sean D. Murphy, 1996-11-29 Over the centuries societies have gradually developed constraints on the use of armed force in the conduct of foreign relations The crowning achievement of these efforts occurred in the midtwentieth century with the general acceptance among the states of the world that the use of military force for territorial expansion was unacceptable A central challenge for the twenty first century rests in reconciling these constraints with the increasing desire to protect innocent persons from human rights deprivations that

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