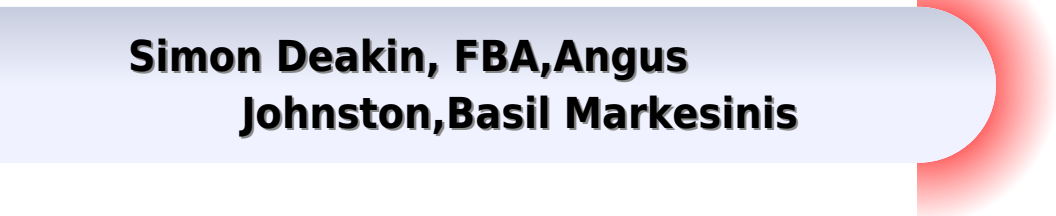




The Insurers Tort Law

**Simon Deakin, FBA, Angus
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existed and continually promoted increases in the amount of money that was awarded in tort suits. A liability and insurance spiral emerged in which the availability of liability insurance encouraged the imposition of more liability and in turn the imposition of liability encouraged the further spread of insurance. Liability insurance was not merely a source of funding for ever greater amounts of tort liability. Liability insurers came to dominate tort litigation. They defended lawsuits against their policyholders and they decided which cases to settle, fight or appeal. The very idea behind insurance that spreading losses among large numbers of policyholders is desirable came to influence the ideology of tort law. To serve the aim of loss spreading, liability had to expand. Today the tort liability and insurance systems constantly interact and to reform one the role of the other must be fully understood.

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