

Communal Influence on the Tort of Negligence in Canada and UK

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Introduction:
Negligence is fault-based liability, boundary setting, balance interests.

3. In Canada & UK, Negligence is focused on dispute between **affected parties**, but considers **public interests** too.



Conclusion: With negligence law developing from communal standards, this demonstrates a **Perfectionist** element: –law makes people good.

2. Common Law is the expression of common values; **reasonableness** limits actions for the common good

4. In Canada & UK, research shows public policy plays almost no role in deciding liability, thus informing notions of **corrective justice**.

6. To demonstrate law's **validity**, show it comes from the community's accepted practices.

8. Distributive justice is supported by the influence of **higher order public law** on private interactions.

9. Public concerns in negligence law demonstrates laws were formed with **community considerations**.

Thank You: Newcastle University, Professor Richard Mullender, Dr Patrick O'Callaghan, and Emilia Mickiewicz

5. Leaving room for public policy considerations allow **counterbalancing** of potential harm to society.

7. **Distributive justice** cannot properly deliver justice because it considers factors external to affected parties.