

Proposals for CTLS Courses to be offered in Fall 2009

(1) Tort Law and Liability Insurance

Any economic or private activity implies various risks of liability in tort. Thus, a car manufacturer incurs the risk of product liability for defective cars, and the user of a car is subject to drivers' liability when he causes an accident. In practice, in many countries most of these risks are transferred to an insurance company, as many activities including innovations could not take place otherwise. The course examines, in a transnational and comparative perspective, both topics - Tort Law and Liability insurance - as well as the interrelationship between them. In a first step, the principles and rules that govern tort law in different legal systems will be examined, including the provisions that determine which national rules apply in international cases. The second step leads to the role of insurance as an instrument of risk transfer, to its functioning and its limits. Various alternative instruments will be discussed as well, such as Compensation Funds for specific damages, e.g. medical mistreatment. In a third step the interrelationship between tort law and liability insurance will be examined: In which ways does one affect the other?

Evaluation: Writing Seminar with final paper (4000 words), class participation