

SINGAPORE SYMPOSIUM IN LEGAL THEORY

“Just Feelings: A Tort Law Theory of Emotion”

BY Associate Professor Zoë Sinel

University of Western Ontario, Faculty of Law

11 APRIL 2022, MONDAY

6.00PM – 8.00PM (SGT)

(VIA ZOOM)

ABSTRACT

This chapter is the introductory and first substantive chapter of my book project, *Just Feelings: A Tort Law Theory of Emotion*. It sets out the three main conceptual arguments that support the book’s overarching thesis regarding the legal irrelevance of emotions in tort law. The first argument is formal or structural: if the structure of tort law is irreducibly bilateral whereas the structure of emotions is inherently one-sided, then emotions cannot form the legitimate basis for determinations of liability. The second argument is substantive: emotions cannot form the subject matter of tort law’s rights and obligations because tort law can only protect our capacity for purposiveness and those things in the world which we can take up as means to ends. Emotions are neither our capacity for setting means to ends nor are they means to ends; rather, they are aspects of our well-being and, as such, cannot ground tort law’s rights or obligations. Finally, the chapter suggests more tentatively that tort law as an institution cannot attend to subjective feelings. This is because, given that emotions are aspects of our well-being, tort law’s responses to emotional states could amount to ordering one party to promote the other party’s well-being. Similarly, if tort law were to recognize emotional states as legally salient, we would restrict the space in which true emotions live and can be expressed.

ABOUT THE SPEAKER



Zoë Sinel is an Associate Professor and Faculty Scholar at the University of Western Ontario's Faculty of Law. She researches and teaches in private law and legal theory. She has completed graduate and post-graduate work in law at Harvard University, the University of Toronto, and Oxford University. Her present principal research project is a book on the treatment of emotions in the law of torts, titled *Just Feelings: A Tort Law Theory of Emotion*. She is the co-director of the Tort Law Research Group at Western Law and a co-author of Fridman’s *The Law of Torts in Canada* (2020) and *Introduction to the Canadian Law of Torts* (2020).

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