

PRIVATE LAW RESEARCH GROUP PUBLIC SEMINAR

A Corrective Justice Understanding of Deterrence

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Through an analysis of some of the most influential corrective justice theories, this article establishes a corrective justice understanding of deterrence as the structural incentives that positive law generates for individuals to refrain from wrongfully infringing others' rights. This understanding of deterrence demonstrates how phenomena that have long been believed to undermine corrective justice accounts of tort law are compatible with one another. Punitive damages and strict liability could be understood as rules that respond to structural under-deterrence, whereas immunities from liability and the availability of insurance could be viewed as means of amending structural over-deterrence.



ABOUT THE SPEAKER

Dr. Haim Abraham joined UCL Faculty of Laws as a Lecturer in 2021. He holds a Doctor of Juridical Science degree from the University of Toronto, a Master of Law degree from the University of Cambridge, and a Bachelor of Law degree combined with the Interdisciplinary Honours Program in the Humanities from The Hebrew University of Jerusalem.

Dr. Abraham's research and teaching interests include tort law, private law theory, liability of public actors and authorities, and the intersections of private and public law. His work has been published in peer-reviewed journals, such as the 'Oxford Journal of Legal Studies' and 'Law & Social Inquiry', as well as in professional and popular blogs such as 'EJIL! Talk', 'Lawfare', and 'Just Security', and has been cited by the Supreme Court of Israel. Dr. Abraham is currently examining states' moral and legal obligations to compensate non-combatants who suffered wrongful losses during warfare and terrorism activities, using theoretical, doctrinal, and empirical lenses.

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