

THE TORT LAW REVIEW

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Particularism and prejudice in the law of tort – *Allan Beever*

This article explores the nature of legal reasoning in the modern law of tort. It examines the way modern lawyers utilise justice to argue for desired results. It maintains that this usage inappropriately treats justice intuitionistically rather than in a principled fashion. The intuitionistic treatment of justice is related to four key errors in tort law reasoning increasingly widespread in case law and commentary. The article concludes by examining a reply based on particularistic understandings of moral truth, and maintains that, whatever the nature of moral truth, lawyers must reason in a principled fashion.146

The duty of schools to prevent bullying – *Jesse Elvin*

It is clear that local authorities can be liable in English law for school bullying. However, what exactly is the duty of a school in English law in relation to bullying? Can it be liable for bullying that takes place outside of school? What steps should it take to discharge its obligation under the common law? What are its obligations under

the *Human Rights Act 1998* (UK) and the *Race Relations (Amendment) Act 2000* (UK)? This article focuses on these and other important related issues.168

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6. Sheehy EA, Stubbs J and Tolmie J, "Defending Battered Women on Trial: The Battered Woman Syndrome and its Limitations" (1992) 16 Crim LJ 220.
7. Sheehy et al, n 6 at 221.

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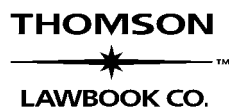
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