

RESPONSIBILITY, COMPENSATION AND ACCIDENT LAW REFORM

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ABSTRACT

This thesis considers two allegations which conservatives often level at no-fault systems — namely, that responsibility is abnegated under no-fault systems, and that no-fault systems under- and over-compensate.

I argue that although each of these allegations can be satisfactorily met — the *responsibility allegation* rests on the mistaken assumption that to properly take responsibility for our actions we must accept liability for those losses for which we are causally responsible; and the *compensation allegation* rests on the mistaken assumption that tort law's compensatory decisions provide a legitimate norm against which no-fault's decisions can be compared and criticized — doing so leads in a direction which is at odds with accident law reform advocates' typical recommendations.

On my account, accident law should not just be *reformed* in line with no-fault's principles, but rather it should be completely *abandoned* since the principles that protect no-fault systems from the conservatives' two allegations are incompatible with retaining the category of accident law, they entail that no-fault systems are a form of social welfare and not accident law systems, and that under these systems *serious deprivation* — and to a lesser extent *causal responsibility* — should be conditions of eligibility to claim benefits.

STATEMENT OF ORIGINALITY

To the best of my knowledge all of the material presented in this thesis, except where otherwise indicated, is my own original work, and has not been presented previously for the award of any other degree or diploma in any University. If accepted for the award of the degree of Doctor of Philosophy, I consent that this thesis be made available for loan and photocopying.

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