Contents

Preface	page vii
Table of cases	viii
Introduction	1
Proof of causation: three types of problem	1
The book's argument	3
Causal uncertainty: its nature and sources	5
Tort law	10
The role of comparative law	12
The structure of the book	13
1 Causal concepts and causal questions in tort law	15
Causal concepts in tort law	16
Causal questions in tort law	37
2 Proof of causation: general rules	47
The general burdens of proof, standards of proof,	
and probabilistic liability rules in each system	48
The meaning of probability and standards of proof	61
Proving causation according to the general rules	66
Conclusions	101
3 Justifying proof of causation	104
Causation and liabilities to compensate between	
individuals	105
Justifying the proof rules for causation	121
Conclusions	137

4	Defendant indeterminacy: full liability and	
	proportional liability	139
	Germany: §830 I 2 BGB	141
	France: faute collective, garde en commun,	
	reversal of the burden of proof	153
	The United States: alternative liability and	
E	market share liability	161
	England	168
	Canada	170
	Justifications for liability under defendant	
	indeterminacy: analysis	174
	Conclusions	196
5	Full liability beyond defendant indeterminacy	198
	Germany	199
	England	220
	United States	251
	France	261
	Justifications for full liability beyond defendant	
	indeterminacy	268
	Conclusions	288
6	Probabilistic liability	290
	The law on probabilistic liability	292
	Justifying probabilistic liability: lost chances and	232
	increased risks as loss	339
	Justifying probabilistic liability: beyond lost chances	
	and increased risks as loss	355
	Conclusions	365
Comparative co	Conclusion	370
	Comparative conclusions	370
	Three recurring problems	376
D:1	aliamentary	385
Bibliography		419