Liability for Asbestos-Related Injuries

Faro Sobczak

Stellingen - Propositions

1. Applying proportional liability is the least unreasonable approach to compensating claimants who suffer from lung cancer as a potential consequence of (wrongful) asbestos exposure. [this thesis]

2. “In a shrinking world there must be some virtue in uniformity of outcome whatever the diversity of approach in reaching that outcome.” [Lord Bingham of Cornhill, 2002] [this thesis]

3. Courts should not refuse to take epidemiological expert evidence into consideration in claims for asbestos-related diseases: it is less arbitrary to use such findings than not to use epidemiological expert evidence to establish the liability of the defendant. [this thesis]

4. The English jurisdiction is, when compared to the Dutch jurisdiction, more reluctant to deviate from traditional legal principles in claims for asbestos-related diseases. [this thesis]

5. “Tort law is and should be about compensating those who are wrongfully injured.” [Lord Bingham of Cornhill, 2002]

6. Health law can be seen as the playground for general Tort law.

7. Although the condicio sine qua non (but-for) test always calls for an answer to a hypothetical situation and does insert a certain element of speculation, it must be regarded as a workable approach to establish causation in most situations.

8. Cross-disciplinary discussion does not necessarily lead to miscommunication.
