



## CALL FOR PAPERS

### Special Issue on “Tort Law and Climate Change Mitigation”

Edited by Benoit Mayer and Alexander Zahar

Recent years have seen an increasing number of important judicial decisions on how tort law may be interpreted as requiring states and corporations to mitigate climate change (e.g. *Milieudefensie v Shell*, *Sharma v Minister for the Environment*, the preliminary decision in *Smith v Fonterra*, and the first instance decision in *Urgenda v the Netherlands*) or to make reparation for the impacts of climate change (e.g. the preliminary decision in *Lliuya v RWE*).

This special issue of *Climate Law* (Brill/Nijhoff) aims to improve our understanding of the relevance of tort law to climate change mitigation. We invite papers that address the ways in which tort law relates to climate change mitigation in various jurisdictions (e.g. common or civil law), using various methodologies (e.g. doctrinal, comparative, or interdisciplinary). While papers may center on a specific case, they should go beyond the case to provide new insights about the relations between tort and climate law.

For instance, papers could address any of the following issues:

1. How do the concepts of duty of care and harm (by the defendant to the plaintiff) apply to climate change mitigation (if they do), and how can they be interpreted as requiring a specific level of mitigation action?
2. What climate harm can tort law account for? For instance, can tort law account for purely ecological harm or for harm to future generations?
3. What are the specific procedural difficulties faced by climate-related tort litigation, for instance in terms of establishing standing or certifying class actions?
4. How differently do fault-based and risk-based torts approach responsibility for climate change?
5. How differently does tort law approach responsibility for climate change in different jurisdictions? Comparisons could be made, for instance, between common and civil law jurisdictions, or among common law jurisdictions.
6. What are the prospects of successful nuisance cases, for instance in the United States (including at the state level)?
7. How do relevant analogies with complex tort issues (e.g. tobacco litigation) help to understand the potential contribution of tort law to climate change?

Expressions of interest should be sent to Professor Benoit Mayer, [bnt.mayer@gmail.com](mailto:bnt.mayer@gmail.com) by 28 February 2022. Full manuscripts (with or without prior expression of interest) should be submitted by 31 July 2022 at <http://www.editorialmanager.com/clla/>; they will be considered on a rolling basis through the usual peer-review process.

The Special Issue can accommodate pieces of various types (e.g. articles, case notes, review essays, or book reviews) and lengths (the journal does not use word limits). Please follow the style guide at [https://brill.com/fileasset/downloads\\_products/Author\\_Instructions/CLLA.pdf](https://brill.com/fileasset/downloads_products/Author_Instructions/CLLA.pdf).