Undoing Delict

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About this Publication:

Anton Fagan has taught the South African law of delict for twenty years and has written extensively on the subject. Undoing Delict: The South African Law of Delict under the Constitution includes his ten best previously published articles and essays. They deal with a range of topics, such as wrongfulness, causation, pure economic loss, and defamation. Several of the contributions investigate the impact of the Constitution, or of certain Constitutional Court judgments, on the law of delict or a part thereof. In addition, Undoing Delict includes a previously unpublished essay in which Fagan develops a new explanation of what it means for intentional harm-causing conduct to be wrongful.

Many of the views put forward in this book are controversial and their defence against contrary views is at times robust. But the aim throughout is to deepen or advance our understanding of important and interesting, and in some instances puzzling, aspects of the South African law of delict.
Contents Include:

- Acknowledgments
- Introductory preface
- Rethinking wrongfulness in the law of delict
- Reconsidering Carmichele
- The confusions of K
- The secondary role of the spirit, purport and objects of the Bill of Rights in the common law’s development
- The Constitutional Court loses its (and our) sense of humour: Le Roux v Dey
- The German origins of a South African dogma about delict
- The gist of defamation in South African law
- Aquillian liability for negligently caused pure economic loss – Its history and doctrinal accommodation
- Causation in the Constitutional Court: Lee v Minister of Correctional Services
- Further reflections on wrongfulness in the law of delict
- Rights, wrongfulness, and intentional harm-doing

Of Interest and Benefit to:

- Legal practitioners
- Legal academics
- Law students