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“Good Trees, Bad Fruits, & Unshakeable Houses: A View of Products Liability from the Mount & the Plain”

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Abstract

Karl Barth once advised young theologians to read both their bibles and their newspapers, but to interpret their newspapers from their bibles. Can the same be said in any respect for how one should interpret the law? The ever-evolving law of products liability is continually shaping the fabric, the actual material of the world in which we live, along with the principles of responsibility for those products we encounter on a daily basis, and to a certain extent our interactions with each other as they involve those products. As suggested by the theme of this conference, the usual course of things would be to look at this shaping process from wholly secular perspectives – primarily legal, but also political, economic, perhaps sociological or anthropological, even – but hardly if ever theological. This paper poses the question whether there is a relevant perspective of faith on products liability. Would products liability exist as a body of law if it had to be justified on theological grounds? What would the justification look like? Would it be consistent? Would it urge any change the shape of the law? Taking the Sermon on the Mount and the Sermon on the Plain as starting points, this paper examines the extent to which aspects of products liability can be justified on theological grounds, and what they look like in that light.

Outline

- I. Introduction - Perspective**
 - A. Perspective, Reasoning, & Value
 - B. Why Look at Products Liability?
 - C. Preliminary Questions: Two Concerns about Wholeness

- II. A View of Products Liability from the Mount & the Plain**
 - A. Consistency of Aims
(Trustworthiness, Reliability, Safety, Fulfillment of Function, Leveling of the Playing Field, Etc.)
 - B. Consistency of Approaches
 - Manufacturing Defect
 - Warnings Defect
 - Design Defect
 - C. Directions

- III. Conclusion**