

Theodicy and Tort Law

Steven D. Smith

In my talk, I plan to discuss modern tort law and theory as a secular response to the existential problem of random, undeserved suffering. Modern tort law is thus a sort of secular substitute for what in religion typically goes under the heading of "theodicy." The existential problem lies not just in the fact of suffering, but in the threat that random, undeserved suffering poses to the rationality and justice of the world. My suggestion will be that although religion does not solve this problem (see, e.g., the book of Job), the secular substitute is even less satisfactory.