



SPECIAL EDITION ON CAUSATION

Call for Submissions

The guest editors of the *University of Western Australia Law Review* are pleased to invite submissions for a special edition on causation. The *University of Western Australia Law Review* is the flagship publication of the University of Western Australia Law School, and one of the oldest university law journals in Australia.

ABOUT CAUSATION IN THE LAW

Requirements of causation are pervasive in the law. In most private disputes, the defendant is only liable to the plaintiff if the plaintiff can satisfy a requirement of causation. Usually, this means that a plaintiff must prove that the defendant's conduct caused the plaintiff's loss. Causation thus acts as one of the essential gatekeepers of legal liability. But causal concepts also extend beyond this primary role, infusing considerations relating to a defendant's 'scope of liability' and informing the law's grant of remedies. In this sense, causation both stretches across, and underlies, almost all fields of liability within the private law. The lawyer must, therefore, have a good grasp of causation.

Yet despite the importance of causal concepts throughout the law, causation remains both contentious and poorly understood. Some lawyers see causation as a matter of common sense. Others argue that the defining characteristic of causality is necessity. Some insist that causation encompasses two separate concepts, one known as 'factual' causation and the other as 'legal' causation. Others decry the merging of causal enquiries with enquiries into a defendant's scope of liability. Additionally, beneath a web of conceptual incoherence lies a multitude of practical issues. What evidence can be admitted to prove that an event caused an outcome? In the face of forensic uncertainty, when, if ever, is a plaintiff entitled to a presumption of causation?

These issues are all controversial. What is uncontroversial is that causation is a challenging and theoretical concept, and one with which the law continues to grapple. It is for this reason a special edition on causation is both appropriate and necessary.



Submission Guidelines

Prospective authors are invited to provide a short topic proposal, in any form, of no more than 400 words by **01/03/2021**. Article topics should have a discernible connection to causation in the law, however articles need not focus solely on issues of causation. Please email the proposal to henry.cooney@uwa.edu.au and [cc elise.bant@uwa.edu.au](mailto:cc.elise.bant@uwa.edu.au).

If accepted, authors will be invited to provide a 7000-13000 word manuscript by **01/09/2021**.

Please note that, in accordance with *UWALR* publication rules, all submissions will be subject to double-blind peer review.

Publication of the special edition is expected to occur in **late 2021**.