

THE GENERALS AND PARTICULARS OF LAW'S ABSTRACT JUDGEMENT...

of specific persons, one could respond through indicating that the exercise of *LAJ* in negligence and elsewhere in law is about judging not persons, but specific acts (the virtues and vices of a person as a character or other character traits no matter how relevant they may be to a facilitation or hindering of such a person's compliance with the law do not interest *LAJ*).¹⁷ To the complaint that *LAJ* produces unwarrantedly negative evaluations of a person's conduct in light of rule-based criteria, one could object that the primary moral function of rules is to provide action-guidance before they are (and in order not to be) infringed;¹⁸ not necessarily to provide criteria of evaluation of their possible infringements (let alone of the infringers' broader conduct) as blameworthy, neutral or, in rare cases, even praiseworthy for some reason. And the list of responses to the criticism of *LAJ* that call attention to the *LAJ*'s generals rather than to its particulars could possibly continue.

It may now be time to wrap this up. As I look forward to receiving William's responses that are expected to be as thought-provoking as the monograph itself, I will end with this: the analysis of *LAJ* and of its critics' objections that William undertakes in *Law's Judgement* is engagingly complex, because it covers both the generals and the particulars of *LAJ*. The present note could be seen as an invitation to hear more about the intertwinement between the two, which, as any careful reader of the monograph must have noticed, William is fully aware of and potentially keen to explore even further.

¹⁷ Regarding the exclusion of the quality of a person's character from a possible set of considerations regarding the scope and justification of strict liability (and, by extension, of fault liability) consider, e.g. J. Gardner, "Obligations and Outcomes in the Law of Torts" in P Cane & J Gardner, *Relating to Responsibility: Essays in Honour of Tony Honoré on his 80th Birthday* (Hart 2001) 111-144, 115.

¹⁸ See, e.g. the idealist approach to the basis of liability in negligence as discussed in NJ McBride, 'Duties of Care-Do They Really Exist?' (2004) *Oxford Journal of Legal Studies* 417-441, 421-422.