Principle, coherence and pragmatism: the beginning of a common law of exemplary damages?

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In *Rookes v Barnard* in 1964, the House of Lords attempted to limit the recovery of exemplary damages to a small category of cases to replace the perceived chaos that then prevailed in the common law. However, *Rookes v Barnard* itself received a mixed, often hostile, reception outside England, leading to divergent approaches to such damages in various common law jurisdictions. More recently, the English courts have attempted to align the recovery of exemplary damages with their rationale, attempting to create a more principled and coherent law. This paper investigates the reasons for the divergences that developed in the laws of the various common law jurisdictions and questions whether, in the light of various factors that are influencing the development of the law across common law jurisdictions, the recent English approach marks, or can mark, the beginning of a new convergence in the law of exemplary damages.