

Torts v. Crimes comparison

Criterion	Crimes	Torts
immediate purpose	punishment of criminal	compensation of victim
balance of defendant's wrong and victim's injury	emphasis on df's moral wrong, not victim's injury	emphasis on victim's injury, not df's moral wrong
theory of offense	offense to all society; public interest	only victim injured; private interest only
initiating party	the state, "the people", represented by prosecutor	the victim, plaintiff
verb/noun	try/trial, or prosecute/prosecution	sue/suit
defendant's right to a jury trial	yes	only sometimes
defendant's right to counsel (provided by the state)	yes	no
category of responsibility	guilt	liability
standard of proof	"beyond a reasonable doubt"	"by a preponderance of the evidence"
fate of convicted defendant	suffers punishment (fine, imprisonment, death)	pays compensatory damages, sometimes punitive damages; sometimes is enjoined
fate of victim	ignored	compensated
permissible appeals	by defendant only	by defendant or plaintiff
defendant's testimony	may not be compelled (privilege against self- incrimination)	may be compelled
effect of victim consent, forgiveness, condemnation	consent sometimes a defense	consent always a defense
general domain of law	criminal	civil*