

# Comparison: Torts v. Crimes

## COMPARISON: TORTS v. CRIMES

<b>CRITERION</b>	<b>TORTS</b>	<b>CRIMES</b>
IMMEDIATE PURPOSE	Compensation Of Victim	Punishment Of Criminal
BALANCE OF DEFENDANT'S WRONG AND VICTIM'S INJURY	Emphasis On Victim's Injury, Not Defendant's Moral Wrong	Emphasis On Defendant's Moral Wrong, Not Victim's Injury
THEORY OF OFFENSE	Only Victim Injured; Private Interest Only	Offense To All Society; Public Interest
INITIATING PARTY	The Victim; Plaintiff	The State, "The People", Represented By The Prosecutor
VERB/NOUN	Sue/Suit	Try/Trial, Or Prosecute/Prosecution
DEFENDANT'S RIGHT TO A JURY TRIAL	Only Sometimes	Yes
DEFENDANT'S RIGHT TO COUNSEL (PROVIDED BY THE STATE)	No	Yes
CATEGORY OF RESPONSIBILITY	Liability	Guilt
STANDARD OF PROOF	"By Preponderance Of The Evidence"	"Beyond Reasonable Doubt"
FATE OF CONVICTED DEFENDANT	Pays Compensatory Damages; Sometimes Punitive Damages; Sometimes Is Enjoined	Suffers Punishment (Fine, Imprisonment, Death)
FATE OF VICTIM	Compensated	Ignored
PERMISSIBLE APPEALS	By Defendant Or Plaintiff	By Defendant Only
DEFENDANT'S TESTIMONY	May Be Compelled	May Not Be Compelled (Privilege Against Self-Incrimination)
EFFECT OF VICTIM'S CONSENT, FORGIVENESS, CONDEMNATION	Consent Always A Defense	Consent Sometimes A Defense
GENERAL DOMAIN OF LAW	Civil	Criminal