

liabilities - crime

Criminal and civil

- difficult to distinguish between a criminal and a civil wrong.
- Some conduct may amount to a civil wrong.
- example - a intentionally hits b, a tort which is a crime as well as a civil wrong.

- can be distinguished by looking at the nature of the conduct.
- for instance - a crime may be distinguished from a civil wrong.

moral wrongfulness

- many civil wrongs are also morally wrong.
- example - an employee who has been exposed to asbestos and has suffered, this is morally wrong.
- morals cannot be used to distinguish between a crime and a civil wrong.

crimes may be distinguished by worthiness of culpability

damage to the public

- characteristic put forward for distinguishing between a crime and a civil wrong is damage to the public.
- if conduct causes damage to the public, it is a crime.
- if it causes damage to an individual, it is a civil wrong.

proceedings

CRIMINAL

- can easily be distinguished because the rules of procedure in criminal courts and follows different rules.
- conduct cannot be distinguished according to its civil nature.
- only proceedings that follow can be distinguished.
- a criminal trial is brought by the state, prosecutes on state's behalf.

VICTIMS

- victims of crimes play a minor role in criminal proceedings.
- merely witnesses to the crime.
- after a finding of guilt, victims may sue the defendant in their own capacity.
- sentencing stage.

- a civil trial is most often brought by the claimant.
- known as the claimant.
- sues the defendant in their own capacity.
- individual, civil proceedings focus on the individual.

CRIMINAL TRIAL

- aim of criminal trial is to punish the defendant.

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