

What Tort Law Does

Law

Civil wrongs outside contract, and the interests they protect.

Contract

- Duties the parties chose
- Owed only to the other party
- Aims to fulfil expectations
- Loss measured against performance
- Agreement is the source

Tort

- Duties imposed by law
- Owed to a class of persons
- Aims to restore the prior position
- Loss measured against the harm
- The law is the source

THE DIFFERENCE THAT MATTERS

The same facts can give rise to both. A negligent professional may breach a contract and commit a tort simultaneously.

Educational reference. Tort also serves deterrence and loss distribution, not compensation alone.