Law of Torts: Definitions

Tort from the Latin **tortum** = "twisted" or "crooked". In French, **tort** means "wrong".

DEFINITIONS

Salmond

"A tort is a **civil wrong** for which the remedy is a **common law action** for **unliquidated damages**, and which is **not exclusively** the breach of a contract or the breach of a trust or other merely equitable obligation."

Civil wrong | Common law action | Unliquidated damages

NOT exclusively breach of contract / trust / equitable obligation

Winfield

"Tortious liability arises from the **breach of a duty primarily fixed by law**; this duty is towards **persons generally**, and its breach is redressible by an action for **unliquidated damages**."

Duty primarily fixed by law | Towards persons generally | Unliquidated damages

Fraser

"A tort is an **infringement of a right in rem** of a private individual, giving a **right of compensation** at the suit of the injured party."

Right in rem | Private individual | Right of compensation

LAW OF TORT OR LAW OF TORTS?

Law of Tort · Winfield

"All injuries done to another person are torts, unless there is some **justification recognised by law**."

Wider view · general principle of liability

Law of Torts · Salmond

There is no general principle. Liability arises only if the wrong fits one of the **specific, recognised torts**. Beyond them, no liability.

Narrower view · Pigeon-hole theory