

# Appraising Strict Liability Oxford Monographs On Criminal Law And Justice

**Arthur James Wells**

*Appraising Strict Liability* A. P. Simester, 2005 This book of essays, including Anglo-American and European perspectives, considers strict liability in criminal law: that is, the problem of criminal offences that allow a defendant to be convicted without proof of fault.

**Criminal Law** Herring Jonathan, 2024

*Preventive Justice* Andrew Ashworth, Lucia Zedner, 2014 Preventive Justice looks at the use of coercive preventive measures by the state, both within and beyond criminal law. Examining preventive laws, measures, and institutions in and outside the criminal law, it explores the justifications given for using coercion to protect the public from harm.

**In Search of Criminal Responsibility** Nicola Lacey, 2016 What makes someone responsible for a crime and therefore liable to punishment under the criminal law? Modern lawyers will quickly and easily point to the criminal law's requirement of concurrent actus reus and mens rea, doctrines of the criminal law which ensure that someone will only be found criminally responsible if they have committed criminal conduct while possessing capacities of understanding, awareness, and self-control at the time of offense. Any notion of criminal responsibility based on the character of the offender, meaning an implication of criminality based on reputation or the assumed disposition of the person, would seem to today's criminal lawyer a relic of the 18th Century. In this volume, Nicola Lacey demonstrates that the practice of character-based patterns of attribution was not laid to rest in 18th Century criminal law, but is alive and well in contemporary English criminal responsibility-attribution. Building upon the analysis of criminal responsibility in her previous book, *Women, Crime, and Character*, Lacey investigates the changing nature of criminal responsibility in English law from the mid-18th Century to the early 21st Century. Through a combined philosophical, historical, and socio-legal approach, this volume evidences how the theory behind criminal responsibility has shifted over time. The character and outcome responsibility which dominated criminal law in the 18th Century diminished in ideological importance in the following two centuries, when the idea of responsibility as founded in capacity was gradually established as the core of criminal law. Lacey traces the historical trajectory of responsibility into the 21st Century, arguing that ideas of character responsibility and the discourse of

responsibility as founded in risk are enjoying a renaissance in the modern criminal law. These ideas of criminal responsibility are explored through an examination of the institutions through which they are produced, interpreted and executed; the interests which have shaped both doctrines and institutions; and the substantive social functions which criminal law and punishment have been expected to perform at different points in history.

**Appraising Strict Liability** A. P. Simester, 2005 Strict liability is a controversial phenomenon in the criminal law because of its potential to convict blameless persons. Offences are said to impose strict liability when, in relation to one or more elements of the actus reus, there is no need for the prosecution to prove a corresponding mensrea or fault element. For example, in the 1986 case of Storkwain, the defendant chemists were convicted of selling controlled medicines without prescription simply upon proof that they had in fact done so. It was irrelevant that they neither knew nor had reason to suspect that the 'prescriptions' they fulfilled were forgeries. Thus strict liability offences have the potential to generate criminal convictions of persons who are morally innocent. *Appraising Strict Liability* is a collection of original contributions offering the first full-length consideration of the problem of strict liability in the criminal law. The chapters, including European and Anglo-American perspectives, provide a sustained and wide-ranging examination of the fundamental issues. They explore the definition of strict liability; the relationship between strict liability and blame, and its implications for the requirement for culpability in criminal law; the relevance of European and human rights jurisprudence; and the interaction between substantive rules of strict liability and evidential presumptions. The breadth and depth of the contributions combine to present readers with a sophisticated analysis of the place and legitimacy of strict liability in the criminal law.

**Criminal Misconduct in Office** Jeremy Horder, 2018 Democracy cannot function if the public loses faith in politicians, and that faith will be lost if politicians abuse their power with impunity. This book analyses the criminal offence of misconduct in office, and explains how it should be used, along with other measures, to hold politicians to account for abuse of their position.

**Current Publications in Legal and Related Fields**, 2006

In The Name of Justice Timothy Lynch, 2009-02-24 America's criminal codes are so voluminous that they now bewilder not only the average citizen but also the average lawyer. Our courthouses are so clogged that there is no longer adequate time for trials. And our penitentiaries are overflowing with prisoners. In fact, America now has the highest per capita prison population in the world. This situation has many people wondering whether the American criminal justice system has become dysfunctional. A generation ago Harvard Law Professor Henry Hart Jr. published his classic article, "The Aims of the Criminal Law," which set forth certain fundamental principles concerning criminal justice. In this book, leading scholars, lawyers, and judges critically examine Hart's ideas, current legal trends, and whether the "first principles" of American criminal law are falling by the wayside. Policymakers, academics, and citizens alike will enjoy this lively discussion on the nature of crime and

punishment, and how the choices we make in formulating criminal laws can impact liberty, security, and justice.

**Criminal Justice and Taxation** Peter Alldridge, 2017 A topical and lively discussion of how the criminal justice system attempts to ensure compliance with tax responsibility, discussing the development of tax evasion offences and the relationship between evasion and evidential rules, prosecution structures, and alternatives to prosecution.

Jurisdiction in International Law Cedric Ryngaert, 2015 This fully updated second edition of Jurisdiction in International Law examines the international law of jurisdiction, focusing on the areas of law where jurisdiction is most contentious: criminal, antitrust, securities, discovery, and international humanitarian and human rights law. Since F.A. Mann's work in the 1980s, no analytical overview has been attempted of this crucial topic in international law: prescribing the admissible geographical reach of a State's laws. This new edition includes new material on personal jurisdiction in the U.S., extraterritorial applications of human rights treaties, discussions on cyberspace, the Morrison case. Jurisdiction in International Law has been updated covering developments in sanction and tax laws, and includes further exploration on transnational tort litigation and universal civil jurisdiction. The need for such an overview has grown more pressing in recent years as the traditional framework of the law of jurisdiction, grounded in the principles of sovereignty and territoriality, has been undermined by piecemeal developments. Antitrust jurisdiction is heading in new directions, influenced by law and economics approaches; new EC rules are reshaping jurisdiction in securities law; the U.S. is arguably overreaching in the field of corporate governance law; and the universality principle has gained ground in European criminal law and U.S. tort law. Such developments have given rise to conflicts over competency that struggle to be resolved within traditional jurisdiction theory. This study proposes an innovative approach that departs from the classical solutions and advocates a general principle of international subsidiary jurisdiction. Under the new proposed rule, States would be entitled, and at times even obliged, to exercise subsidiary jurisdiction over internationally relevant situations in the interest of the international community if the State having primary jurisdiction fails to assume its responsibility.

Reasons to Doubt Carolyn Hoyle, Mai Sato, 2019-01-10 This book reveals what happens to applications for post-conviction review when those in England, Wales, and Northern Ireland who believe they are wrongfully convicted apply to the Criminal Cases Review Commission, the only body that can refer a case back to the Court of Appeal once appellants' opportunities for direct appeal are exhausted. While the Court is obliged to hear all such referrals, the Commission can only refer a case where it believes there is a real possibility that the Court will quash the conviction. The first empirical study of all stages of decision-making within the Commission, this book starts from the premise that the test applied by the Commission (the real possibility test) is not inflexible. Though created by statute and refined through case law, it must be determined on a case-by-case basis, drawing too on cultural and structural variables, alongside fresh evidence gathered by the Commission. Through in-depth analysis of case files and interviews, Hoyle and Sato scrutinize the Commission's operational practices, its working

rules and assumptions, considering how these influence its understanding of the real possibility test. Situating their rich empirical data within a framework of the Commissions social, organizational, and legal contexts, this book demonstrates that in its open-ended investigations there is considerable scope for discretion; for thorough exploration of all possible avenues or for choosing a more superficial consideration of a case. It emerges that while structured internal guidance, drawing heavily on Court jurisprudence, shapes decision-making, creating consistency in approach, there remains some variability across cases, over time, that can be accounted for by the different professional backgrounds and personalities of Commission staff.

**Principles of Criminal Law** Andrew Ashworth,1999 This new edition of the popular and highly respected Criminal Law textbook, has been revised and completely updated to incorporate all developments in the field of criminal law since 1995. The criminal law is an increasingly complex and fascinating subject. The basic structure of this book on the subject has been retained, as has its emphasis on introducing the criminal law to students through the principles which lie behind, or should lie behind, it. Issues of principle and policyinvolved in the shaping of law as created by the legislature, courts, law reform bodies, and academic commentators are again dealt with. In this new edition greater emphasis is placed on the growing number of principles stemming from the European Convention on Human Rights. Specific attention is also paid to new developments in the law relating to complicity, provocation and other manslaughters, and to the defence of duress.

*Proportionate Sentencing* Andrew Von Hirsch,2005 This book is about the principle of proportionality - the principle that a sentence should be proportionate to the seriousness of the offence committed. It examines the detailed arguments for the theory and for applying it to a range of situations including young offenders, dangerous offenders and socially deprived offenders.

**The British National Bibliography** Arthur James Wells,2005

*A Concise History of the Common Law* Theodore Frank Thomas Plucknett,2001 Originally published: 5th ed. Boston: Little, Brown and Co., 1956.

**Necessity and Proportionality and the Right of Self-Defence in International Law** Chris O'Meara,2021-03 The right of States to use force extraterritorially is conditioned by requirements of necessity and proportionality. This book provides a much-needed detailed analysis of those requirements, and a coherent and up-to-date account of the applicable contemporary international law in this field.

**Action and Value in Criminal Law** Stephen Shute,John Gardner,Jeremy Horder,1993 In this challenging collection of new essays, leading philosophers and criminal lawyers from the United States, the United Kingdom, and Canada break with the tradition of treating the philosophical foundations of criminal law as an adjunct to the study of punishment. Focusing clearly on the central issues of moral luck, mistake, and mental illness, this volume aims to reorient the study of criminal law. In the process of retrieving valuable material from traditional law classifications, the contributors break down false

associations, reveal hidden truths, and establish new patterns of thought. Their always illuminating and sometimes startling conclusions makes this essential reading for all those interested in the philosophy of criminal law.

*Gowers Review of Intellectual Property* Andrew Gowers, Great Britain: H.M. Treasury, 2006-12-06 This report examines the importance of intellectual property (IP), ranging from patents, copyright, design and trade marks, and whether in the age of globalization, digitization and increasing economic specialization it still creates incentives for innovation, without unduly limiting access to consumers and stifling further innovation. The report does recommend a radical overhaul of the system, with the review concentrating on three areas, and setting out the following recommendations: (i) strengthening enforcement of IP rights, whether through clamping down on piracy or trade in counterfeit goods; (ii) reducing costs of registering and litigating IP rights for businesses large and small; (iii) improving the balance and flexibility of IP rights to allow individuals, businesses and institutions to use content in ways consistent with the digital age.

*Fitness to Plead* Ronnie Mackay, Warren Brookbanks, 2018-06-14 The law relating to fitness to plead is an increasingly important area of the criminal law. While criminalization may be justified whenever an offender commits a sufficiently serious moral wrong requiring that he or she be called to account, the doctrine of fitness to plead calls this principle into question in the case of a person who lacks the capacity or ability to participate meaningfully in a criminal trial. In light of the emerging focus on capacity-based approaches to decision-making and the international human rights requirement that the law should treat defendants fairly, this volume offers a benchmark for the theory and practice of fitness to plead, providing readers with a unique opportunity to consider differing perspectives and debate on the future development and direction of a doctrine which has up till now been under-discussed and under-researched. The fitness to plead rules stand as an exception to notions of public accountability for criminal wrongdoing yet, despite the doctrine's long-standing function in criminal procedure, it has proven complex to apply in practice and has given rise to many varied legislative models and considerable litigation in different jurisdictions. Particularly troublesome is the question of what is to be done with someone who has been found unfit to stand trial. Here the law is required to balance the need to protect those defendants who are unable to participate effectively in their own trial, whether permanently or for a defined period, and the need to protect the public from people who may have caused serious social harm as a result of their antisocial behaviour. The challenge for law reformers, legislators, and judges, is to create rules that ensure that everyone who can properly be tried is tried, while seeking to preserve confidence in the fairness of the legal system by ensuring that people who cannot properly engage in the criminal trial process are not forced to endure it.

*Shame Management Through Reintegration* Eliza Ahmed, 2001-10-15 This 2001 book is a follow-on to John Braithwaite's best-selling and influential *Crime, Shame and Reintegration*. Shame management is becoming a central concept, in theoretical and practical terms. This book makes a major contribution to the advancement of shame in a theoretical sense.

For criminology, as well as for psychology, sociology and other areas, this accessible book serves as an introduction to the concepts of shame, guilt and embarrassment. Presenting research by the Restorative Justice Centre at the Australian National University, the book contributes immeasurably to the development of practical alternatives to common sanctions in an effort to reduce crime and other social problems. Written by the key exponents of restorative justice, the book is an important re-statement of the theory and practice of shaming. It will develop important and often controversial debates about punishment, shaming and restorative justice to a new level.

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